

AN  
ACCOUNT  
OF THE  
TRIAL

OF  
THOMAS MUIR,  
YOUNGER OF HUNTERSHILL,

BEFORE  
THE HIGH COURT OF JUSTICIARY,  
AT EDINBURGH.

On the 30th and 31st Days of August, 1793,

FOR  
SEDITIONOUS PRACTICES.

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— 'Tis here they learn  
The road that leads, from competence and peace,  
To indigence and rapine ;—till at last  
SOCIETY grown weary of the load,  
Shakes her encumber'd lap, and casts them out.

COWPER.

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M DCC XCIII.

# INTRODUCTION.

**T**HE importance of the following trial will be generally acknowledged. The crime libelled is that, which, of all others, assumes the most serious aspect in its consequences to society; and it is laid to the charge of no common offender.

The word SEDITION, from the familiar use of it, and from the term being susceptible of various degrees of interpretation, does not at once make that strong impression on the mind, which reflexion on its consequences is apt to produce;—for, when considered in its full extent, it will be found to contain the essence of every crime.

The pannel is charged with introducing discontent and consequent idleness into the busy  
shop



shop of the industrious manufacturer; with poisoning the mind of the contented villager; with attempting to loosen the bands of subordination, which hold society together; and of shaking the pillars of that glorious constitution which a succession of ages has erected in this happy envied country, and which diffuses the blessings of liberty and protection to the meanest individual in the remotest corner of the kingdom.—To what fatal consequences does such a criminal procedure lead? It paves the way for raising the standard of rebellion, and all the dreadful scenes of civil discord.

Such are the miserable consequences which may attend the crime laid to the charge of the pannel in the following indictment.—Consequences which have been fatally exemplified in a neighbouring kingdom.

The person here accused, is a gentleman of respectable connexions, of a liberal education; member of a society, who, from their professional pursuits, ought to be acquainted with the laws and the constitutions of the realm, their general wisdom, and their justice.

While wonder is excited by this phenomenon, the mind is led to draw this conclusion,  
that

that his character, his situation, and his talents, only tended to aggravate the offence, and to justify the apparent severity of the punishment; which, with proper regard to the nature of the crime, and the safety of the community, banishes him from a country the blessings of whose government he knew not how to enjoy.

These observations are far from being intended to heighten the guilt of an unfortunate man, or to blacken the motives which influenced his conduct. His situation excited compassion in his judges, and in every one who heard the sentence pronounced;—but the justice they owed to their country suppressed it. The end of punishment is to deter others; and when an example for this purpose is held out by a high and respectable court of criminal justice, no language can be too forcible to give it its due impression.

It may not be improper, in concluding this Introduction, to endeavour to correct a very common mistake with respect to crimes of this nature, which has lately much prevailed, and may be productive of dangerous consequences.—It has been supposed, that a man, who declares



clares his *intentions* to be pure, peaceable, and honourable, cannot be guilty of sedition. The consequences of this doctrine, carried to its full extent, would be ruinous. The omniscience of the Deity alone is the infallible judge of a man's motives. Man must judge his neighbour by his actions. What avails it, if, when discontent, tumult, and insurrection are the disastrous consequences of a man's conduct, that he should tell us, that peace, good order, and subordination, were his sole objects!

It is only necessary to add, that the conclusion to be drawn from these premises, is, that we ought to be cautious of being led away by the declarations and professions of any man, but carefully to consider the actual consequences or evident tendency of his principles and his conduct.

Shall we, in the enjoyment of Peace, Liberty, and Happiness, regard the man who wildly sounds in our ears an alarm that we are miserable and slaves, when ~~no~~ one feels either misery or slavery?

We feel ourselves free, secure, and happy; and may all attempts to rob us of these invaluable blessings ever prove ineffectual!

The



**The Constitution has a power of improving and amending itself, and in many instances it has done so.—Such arduous and important work is not for the hand of the unskillful!**

The Constitution is a power of improving  
and extending itself and in many instances it has  
done so—such and so and important work  
is not for the hand of the unskilled.

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## T R I A L

### THOMAS MUIR, &c.

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A Few minutes after ten o'clock in the morning, on Friday the 30th August 1793, the Court was opened by Lord Justice Clerk and four Lords Commissioners of Justiciary, viz.

1. Lord Henderland.    2. Lord Swinton.
3. Lord Dunfinnan.    4. Lord Abercrombie.

Upon calling Robert Dundas, Esq. his Majesty's Advocate for his Majesty's interest, against Thomas Muir; Mr Muir did not answer to his name, on which the Lord Advocate rose to address the court; but Mr Muir's agent said he would appear in a few

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minutes;



minutes ; and Mr Muir presently came into court \*.

Mr Muir was reprimanded for keeping the court waiting ; and was then desired to attend to the indictment, which the depute clerk of court read as follows.

**G**EORGE, &c. WHEREAS it is humbly meant and complained to us by our right trusty ROBERT DUNDAS, Esq. of Arncliffe, our Advocate for our interest, upon THOMAS MUIR, younger of Huntershill, THAT, by the laws of this and every other well governed realm, the wickedly and feloniously exciting, by means of SEDITIOUS SPEECHES and HARANGUES, a spirit of disloyalty and disaffection to the King and the Established Government; MORE ESPECIALLY, when such Speeches and Harangues are addressed

\* Mr Muir was outlawed for non-appearance, the February preceding ; and on that sentence was apprehended on his return from France, and brought before the court on the 13th of August, when the sentence of outlawry was taken off, and he was admitted to bail to stand trial on the above-mentioned day, in compliance with which he then made his appearance.

addressed to Meetings or Convocations of Persons brought together by no lawful authority, and uttered by one who is the chief Instrument of calling together such Meetings: AS ALSO, the wickedly and feloniously ADVISING and EXHORTING persons to purchase and peruse seditious and wicked publications and writings, calculated to produce a spirit of disloyalty and disaffection to the King and Government: AS ALSO, the wickedly and feloniously DISTRIBUTING or CIRCULATING any seditious writing or publication of the tendency aforesaid, or the CAUSING distribute or circulate any such seditious writing or publication: AS ALSO, the wickedly and feloniously PRODUCING and READING ALOUD, in a public meeting or convocation of persons, a seditious and inflammatory writing, tending to produce in the minds of the people a spirit of insurrection and of opposition to the Established Government: AND, the PUBLICLY APPROVING of, and RECOMMENDING, in said meeting, such seditious and inflammatory writing, are all and each, or one or other of them, crimes of an heinous nature, dangerous to the public peace, and severely punishable: YET

TRUE

TRUE IT IS, AND OF VERITY, That the said Thomas Muir is guilty actor, or art and part, of all and each, or one or other, of the said crimes, aggravated as aforesaid: IN SO FAR AS, on the 3d day of November, 1792, or on one or other of the days of that month, or of the month of October immediately preceding, or of December immediately following, the said Thomas Muir having been present at a meeting, in the town of Kirkintilloch, parish of Kirkintilloch, and county of Dunbarton, denominated, 'A Society for Reform,' or bearing some such name; and also, having some time during the course of the said month of November aforesaid, been present at another meeting at Milltoun, parish of Campsie, and county of Stirling, which meeting was also denominated, 'A Society for Reform,' or bore some such name, (and both of which societies above-mentioned the said Thomas Muir was the chief mean of instituting and forming); he did, at times and places foresaid, with a wicked and seditious intention, address and harangue the said meetings; in which speeches and harangues the said Thomas Muir did seditiously endeavour to represent the Government  
of



of this country as oppressive and tyrannical, and the Legislative Body of the state as venal and corrupt, particularly by instituting a comparison between the pretended existing Government of France and the Constitution of Great Britain, with respect to the expences necessary for carrying on the functions of Government; he endeavoured to vilify the Monarchical part of the constitution, and to represent it as useless, cumbersome, and expensive: **AT LEAST**, the said Thomas Muir did use words and arguments of the above seditious tendency and import. **FURTHER**, the said Thomas Muir did, some time during the course of September, October, or November 1792, in the town of Glasgow in the county of Lanark, Kirkintilloch in the parish of Kirkintilloch and county of Dunbarton, and Milltown in the parish of Campsie and county of Stirling aforesaid, and elsewhere, wickedly and feloniously exhort and advise several persons to purchase and peruse various seditious pamphlets or writings; **PARTICULARLY**, the said Thomas Muir did, some time in the months aforesaid, within his father's house at Glasgow aforesaid, or some other place to the Public Prosecutor unknown, wickedly

wickedly and feloniously advise and exhort John Muir senior, late hatter in Glasgow, Thomas Wilson, barber in Glasgow, and John Barclay residing in the parish of Calder and county of Lanark, to read Paine's Rights of Man, and to purchase the same; which book or pamphlet, entituled, Paine's Rights of Man, is a most wicked and seditious publication, calculated to vilify the Constitution of this country, to produce a spirit of insurrection among the people, and to stir them up to acts of outrage and opposition to the Established Government. FURTHER, the said Thomas Muir did, in the course of the months of September, October, or November aforesaid, wickedly and feloniously distribute and circulate, or cause to be distributed and circulated, in the towns of Glasgow, Kirkintilloch, Milltown aforesaid, and at Lennoxton in the said parish of Campsie and county of Stirling, or elsewhere, a number of seditious and inflammatory writings or pamphlets; particularly a book or pamphlet entituled, 'The Works of Thomas Paine, Esq.' Also, a writing or publication, entituled, 'A Declaration of Rights, and an Address to the People, approved of by a number of the Friends of Reform in Paisley;

‘ley;’ Also, a paper or publication, entituled,  
 ‘A Dialogue betwixt the Governors and the  
 ‘Governed;’ Also a paper or publication, en-  
 tituled, ‘The Patriot:’ Particularly, the said  
 Thomas Muir did, some time in the month  
 of October or November aforesaid, at Kirkin-  
 tilloch aforesaid, or at some other place to the  
 Public Prosecutor unknown, wickedly and fe-  
 loniously deliver and put into the hands of  
 Henry Freeland weaver in Kirkintilloch a se-  
 ditious book or pamphlet, entituled, ‘The  
 ‘Works of Thomas Paine, Esq.’ which the  
 said Henry Freeland carried away with him;  
 which book or pamphlet, along with the other  
 wicked, seditious, and inflammatory passages,  
 contains the following.

Paine’s Works, P. 13.—‘Monarchy is rank-  
 ‘ed in Scripture as one of the sins of the Jews,  
 ‘for which a curse in reserve is denounced a-  
 ‘gainst them.

P. 20.—‘In short, Monarchy and succession  
 ‘have laid not this or that kingdom only, but  
 ‘the world, in blood and ashes; it is a form  
 ‘of government which the Word of God bears  
 ‘testimony against, and blood will attend it.

P. 21.—‘Why is the Constitution of Eng-  
 ‘land



‘ land sickly, but because Monarchy hath poi-  
 ‘ soned the Republic ?—the Crown hath engrof-  
 ‘ fed the Commons.

‘ In England a King hath little more to do  
 ‘ than to make war, and to give away places ;  
 ‘ which in plain terms is to impoverish the na-  
 ‘ tion, and fet it together by the ears. A pret-  
 ‘ ty business indeed for a man to be allowed  
 ‘ eight hundred thousand pounds Sterling a-  
 ‘ year for, and worshipped into the bargain !  
 ‘ Of more worth is one honest man to society,  
 ‘ and in the sight of God, than all the crown-  
 ‘ ed ruffians that ever lived.

P. 78.—‘ What are the present governments  
 ‘ in Europe but a scene of iniquity and oppres-  
 ‘ sion ? What is that of England ? Do not its  
 ‘ own inhabitants say it is a market where eve-  
 ‘ ry man has his price, and where corruption is  
 ‘ common traffick, at the expence of a deluded  
 ‘ people ? No wonder then that the French  
 ‘ revolution is traduced.

P. 85.—‘ But the *second* head, that of a na-  
 ‘ tion establishing a particular family with *here-  
 ‘ ditary powers*, does not present itself as despo-  
 ‘ tism, on the first reflection ; but if men will  
 ‘ permit a second reflection to take place, and  
 ‘ carry

‘ carry that reflection forward but one remove  
 ‘ out of their own persons to that of their off-  
 ‘ spring, they will then see that hereditary suc-  
 ‘ cession becomes in its consequences the same  
 ‘ despotism to others which they reprobate it  
 ‘ for themselves.

P. 86.—‘ It operates to preclude the consent  
 ‘ of the succeeding generation, and the preclu-  
 ‘ sion of consent is despotism.

Part II. p. 30.—‘ All hereditary government  
 ‘ is in its nature tyranny. An heritable crown,  
 ‘ or an heritable throne, or by whatever fanci-  
 ‘ ful name such things may be called, have no  
 ‘ other significant explanation, than that man-  
 ‘ kind are heritable property. To inherit a  
 ‘ government is to inherit the people, as if they  
 ‘ were flocks and herds.

P. 51.—The act called the Bill of Rights  
 ‘ comes here into view. What is it but a bar-  
 ‘ gain which the parts of the government made  
 ‘ with each other to divide powers, profits, and  
 ‘ privileges? You shall have so much, and I  
 ‘ shall have the rest; and with respect to the  
 ‘ nation, it is said, for *your share* you shall  
 ‘ *have the right of petitioning.* This being the

‘ case, the Bill of Rights is more properly a  
 ‘ Bill of Wrongs, and of insult. ’

P. 54.—‘ The attention of the Government  
 ‘ of England (for I rather chuse to call it by  
 ‘ that name than the English Government)  
 ‘ appears, since its political connection with  
 ‘ Germany, to have been so completely en-  
 ‘ grossed and absorbed by foreign affairs, and  
 ‘ the means of raising taxes, that it seems to  
 ‘ exist for no other purposes. Domestic con-  
 ‘ cerns are neglected; and with respect to re-  
 ‘ gular law, there is scarcely any such thing. ’

P. 126.—‘ The time is not very distant when  
 ‘ England will laugh at itself for sending to  
 ‘ Holland, Hanover, Zel, or Brunswick, for  
 ‘ men, at the expence of a million a-year, who  
 ‘ understood neither her laws, her language,  
 ‘ nor her interest, and whose capacities would  
 ‘ scarcely have fitted them for the office of a  
 ‘ parish constable. If government could be  
 ‘ trusted to such hands, it must be some easy  
 ‘ and simple thing indeed, and materials fit for  
 ‘ all the purposes may be found in every  
 ‘ town and village of England. ’

AND the said Thomas Muir did, some time in  
 October or November aforesaid, within his  
 own



own or his father's house at Hunterhill, in the county of Lanark, or at some other place to the Public Prosecutor unknown, wickedly and feloniously put into the hands of William Muir weaver in Kirkintilloch, eleven numbers of a seditious book or pamphlet, entitled, 'The Patriot,' which the said William Muir carried away with him, and kept possession of; and which book or pamphlet contained among others the following seditious passages: *Number*

*and Patriot, No. 5. p. 168, 169.*—'They have lost the distinguishing character between freemen and slaves; they have lost the distinguishing character of Englishmen! They have lost what the most tyrannical kings of England would never force from them! They have in a great measure lost what their forefathers spent their blood and treasure to defend—the greatest jewel that any people can possess—their constitutional and natural liberty—their birthright and inheritance derived from God and nature! They have lost the constitutional means of redress for all their grievances! What is it indeed they have not lost by that hated septennial law, which has fettered down the elective power of the people.

people, like a dog to a manger, who is only suffered to go abroad *once in seven years* for an airing!

No. 6. p. 184, 185.—‘Rouse then ye Britons! Awake from the slumbering state of apathy in which you have so long suffered yourselves ingloriously to remain! Open your eyes to the injuries which have been heaped on you; and assert your right to have them redressed. Evince to all the world that you are the true sons of your once famed glorious ancestors; prove yourselves worthy to inherit, in its highest degree of perfection, that constitution which they raised by their valour, and cemented with their blood:—Raise your voice—the voice of the people—and sound in the ears of Tyrants, and their abettors, that *you will be free*, and you are so! That voice is the noble, the mighty *fiat*, which none can, or dare to, attempt to gainsay?’

No. 11. p. 375.—‘And what would he (Earl of Chatham) have thought, if he had lived to hear people now talk of a happy and glorious constitution, evidently built upon corruption and supported by speculation? And what would he have conjectured, had he seen



'a proclamation issued to intimidate and prevent the people from exercising their right of conferring upon, and publishing their grievances?'"

No. 12. p. 414.— 'But we should ask, here, what is the difference between a king of England taxing his subjects without consent of Parliament and taxing them with the consent of Parliament, which Parliament the King or his Minister can influence as he pleases to approve of war or peace, and to vote such supplies as may be required; no matter how grievous and burdensome, nor for what base or corrupt purposes they are granted: One would think that the latter method is equally oppressive, and deserving of reprobation; for being done with a seeming legality, and under a form and semblance of constitutional procedure, the people are made parties to their own oppression, and the greatest insults are added to the heaviest injuries.'

P. 419.— 'Here we see clearly the origin of the immense overgrown landed property of our race of nobles and rich commoners; a right founded in murder, desolation, rapine, and proscription of the first owners and holders



' ers of the landed property in this kingdom,  
 ' among our Saxon ancestors; and by this we  
 ' may easily trace the means by which our no-  
 ' bility are at this moment not only in posses-  
 ' sion of one branch of the legislature by here-  
 ' ditary claim, but by which they have also  
 ' monopolised, with the addition of a few rich  
 ' commoners, the *majority of voice in the House*  
 ' *of Commons*, which, shame to tell, is bare-faced-  
 ' ly called the Representation of the *People*.  
 ' This we pledge ourselves to prove to the sa-  
 ' tisfaction of our readers in the course of this  
 ' work, and indeed of a few more numbers.'  
 And the said paper or publication, entituled, 'A  
 ' Declaration of Rights and Address to the Peo-  
 ' ple, approved of by a number of the Friends  
 ' of Reform in Paisley,' distributed and circu-  
 ' lated as aforesaid, contained the following pas-  
 ' sages:

Paisley Declaration, P. 4.—' 1. Being sub-  
 ' ject to the legislation of persons whom *other*  
 ' *men have placed over you*, it is evident you are  
 ' denied that which is the right of every one,  
 ' and without which none are *free*. For to be  
 ' *enslaved*, is to have no will of your own in  
 ' the choice of those law-makers, which have  
 ' power

‘ power over your *properties*, your *families*,  
 ‘ your *lives*, and *liberties*. Those who have no  
 ‘ votes for electing representatives are not free,  
 ‘ as the rights of nature, and the principles of  
 ‘ our constitution, require, but are enslaved to  
 ‘ the representatives of those who have votes.’

P. 5.—‘ 3. Should you not associate in your  
 ‘ own cause, and with one voice, the voice of  
 ‘ united millions, demand reform in the nation-  
 ‘ al representation ?

P. 8.—‘ 10. But such a Parliament cannot  
 ‘ be had unless we will revert to the first prin-  
 ‘ ciples of our constitution, which we have so  
 ‘ shamefully abandoned. A government where  
 ‘ the executive and legislative power meet in a  
 ‘ single person has no more pretence to free-  
 ‘ dom; it is perfect despotism; and the people  
 ‘ who submit to it are in a state of *slavery*. If  
 ‘ the will of the Prince *must* be *law*, in what  
 ‘ manner it is announced, whether the mandate  
 ‘ issue directly from the throne itself, or  
 ‘ through the medium of the House of Com-  
 ‘ mons, is a matter of indifference. If that  
 ‘ assembly is no longer the representative of the  
 ‘ people, the constitution is *changed*. If those  
 ‘ men who are said to represent us are only the  
 ‘ registers

‘ *registers* of the *Royal edicts*, the government  
 ‘ is degenerated into an *absolute Monarchy*. Since  
 ‘ electing a Parliament is our only security a-  
 ‘ gainst an *arbitrary* power in the Crown, elec-  
 ‘ tion itself must be not only the common  
 ‘ right, but the common *duty*, of all the peo-  
 ‘ ple.

P. 15.—‘ But the evils of long Parliaments  
 ‘ —are they not written in *tears* and in *blood*?  
 ‘ And have they left us aught of liberty but  
 ‘ the name? With the poor exception, then, of  
 ‘ one year of freedom in *seven*, and that in fa-  
 ‘ vour of not *one-seventh* part of the nation, it  
 ‘ is demonstrated that you are *constantly taxed*  
 ‘ *without being represented*, and *compelled to obey*  
 ‘ *laws to which you never gave assent*. Are not  
 ‘ these the very definitions of slavery? And,  
 ‘ are you not thus degraded to a level with the  
 ‘ very *cattle* in the field, and the *sheep* in the  
 ‘ fold; which are a property to those who rule  
 ‘ over them, and *have no power to say*, why are  
 ‘ we bought and sold? why are we yoked and  
 ‘ laden with heavy burdens? why are we *flee-*  
 ‘ *ced* and led to the slaughter? Demand then  
 ‘ with one voice, friends and countrymen, that  
 ‘ share in making your own laws to which, by  
 ‘ the



' the constitution and the laws of nature, you  
 ' are entitled; call for the *Bill* which would  
 ' restore your lost constitution, and recover  
 ' your stolen rights! Pursue the only course  
 ' which can ever effect any considerable reduc-  
 ' tion of debts and taxes, or materially ad-  
 ' vance the interest of manufactures and com-  
 ' merce! In short, be free, prosperous, and  
 ' happy! and give your posterity the same  
 ' cause to revere your memories, as you have  
 ' to bless *those progenitors* who left you an in-  
 ' heritance in a free constitution.'

And the above writing or publication, enti-  
 tled, ' A Dialogue between the Governors  
 ' and the Governed,' distributed and circulat-  
 ed as aforesaid, contained, among others, the  
 following passage:

' *Civil Governors.* The law enacts that ye  
 ' be submissive.

' *People.* The law is the general *will*, a new  
 ' order.

' *Civil Governors.* You will be a rebellious  
 ' People.

' *People.* Nations cannot revolt; tyrants  
 ' are the only *rebels*.

C

' Civil

*Civil Governors.* The King is with us, and he commands you to submit.

*People.* The Kingly office originates in the people, who elect one of themselves to execute it for the *general good*. Kings therefore, are essentially indivisible from their nations. The King of ours, then, *cannot* be with you; you only possess his phantom. And the Military Governors stepping forward, said, "The people are timid, let us menace them, they only obey force. *Soldiers, chastise this insolent rabble.*"

*People.* Soldiers, you are of our own blood! Will you strike your brother? If the people perish, who will maintain the army?—And the foldiers, grounding their arms, said to their chiefs, "We also are the people, we are the enemies of —." Whereupon the *Ecclesiastical Governors* said, "There is now but one resource left. The people are superstitious; we must frighten them with the name of God, and of Religion.—Our dearly beloved brethren, our children! God has appointed us to govern you."

*People.* Produce to us your heavenly powers.

*Priests.*

' *Priests.* You must have faith, reason will  
' lead you astray.

' *People.* Do you govern then without rea-  
' son?

' *Priests.* God ordains peace: Religion pre-  
' scribes obedience.

' *People.* Peace presupposes justice; obedi-  
' ence has a right to know the laws it bows to.

' *Priests.* Man is only born into this world  
' to suffer.

' *People.* Do you then set us the example.

' *Priests.* Will you live without God and  
' without Kings?

' *People.* We will live without Tyrants,  
' without Imposters.'

FURTHER, The said Thomas Muir having,  
upon the 11th, 12th, or 13th days of Decem-  
ber 1792, or on one or other of the days of  
that month, been present at a meeting calling  
itself ' The Convention of *Delegates* of the Af-  
' sociated Friends of the People,' or assuming  
some such name; which meeting was held in  
a room commonly called Laurie's Room, in  
James's Court, in the city of Edinburgh, he  
did then and there, with a wicked and sediti-  
ous



ous design, produce, and read aloud to the said meeting, a writing or paper, entituled, 'Address from the Society of United Irishmen in Dublin to the Delegates for promoting a Reform in Scotland.' Which writing or paper was of a most inflammatory and seditious tendency, falsely and insidiously representing the Irish and Scotch nations as in a state of downright oppression, and exciting the people rebelliously to rise up and oppose the government. And which paper or writing, among other passages, contained the following :

P. 1.—' We take the liberty of addressing you in the spirit of civic-union, in the fellowship of a just and common cause. We greatly rejoice that the spirit of freedom moves over the surface of Scotland, that light seems to break from the chaos of her internal government, and that a country so respectable for her attainments in science, in arts, and in arms, for men of literary eminence, for the intelligence and morality of her people, now acts from a conviction of the union between virtue, letters, and liberty; and now rises to distinction, not by a *calm, contented, secret* wish for a reform in  
Parliament,

‘ Parliament, but by openly, actively, and urgently *willing* it, with the unity and energy of an embodied nation. We rejoice that you do not consider yourselves as merged and melted down into another country, but that in this great national question you are still Scotland.’—Also,

P. 3.—‘ We will lay open to you our hearts: Our cause is your cause. If there is to be a struggle between us, let it be, which nation shall be foremost in the race of mind. Let this be the noble animosity kindled between us, Who shall first attain that free constitution from which both are equi-distant, Who shall first be the saviour of the empire.—The sense of both countries, with respect to the intolerable abuses of the constitution, has been clearly manifested, and proves that our political situations are not dissimilar, that our rights and wrongs are the same.’—Also,

P. 9.—‘ We will not be the dupes of such ignoble artifices. We see this scheme, of strengthening political persecution and state inquisition, by a fresh infusion of religious fanaticism. But we will unite, and we will be free. Universal emancipation, with representative

' presentative legislature, is the polar principle  
 ' which guides our Society, and shall guide it,  
 ' through all the tumult of factions, and fluc-  
 ' tuations of parties. It is not upon a coali-  
 ' tion of Opposition with Ministry that we de-  
 ' pend, but upon a coalition of Irishmen with  
 ' Irishmen; and in that coalition alone we  
 ' find an object worthy of reform, and, at the  
 ' same time, the strength and sinew both to at-  
 ' tain and secure it. It is not upon external  
 ' circumstances, upon the pledge of man or  
 ' minister, we depend, but upon the internal  
 ' energy of the Irish nation.—We will not  
 ' buy or borrow liberty from America or from  
 ' France, but manufacture it for ourselves, and  
 ' work it up with those materials which the  
 ' hearts of Irishmen furnish them with at  
 ' home.—We do not worship the British,  
 ' far less the Irish constitution, as sent down  
 ' from heaven; but we consider it as human  
 ' workmanship, which man has made, and  
 ' man can mend. An unalterable constitu-  
 ' tion, whatever be its nature, must be despo-  
 ' tism. It is not the constitution, but the peo-  
 ' ple which ought to be inviolable; and it is  
 ' time



time to recognise and renovate the rights of the English, the Scotch, and the Irish nations.—Also,

P. II.—You have our ideas—answer us, and that quickly.—This is not a time to procrastinate.—Your illustrious Fletcher has said, that the liberties of a people are not to be secured without passing through great difficulties; and no toil or labour ought to be declined to preserve a nation from slavery. He spoke well; and we add, that it is incumbent on every nation who adventures into a conflict for freedom, to remember, it is on the event (however absurdly) depends the estimation of public opinion: honour and immortality, if fortunate; if otherwise, infamy and oblivion. Let this check the rashness that rushes inadvisedly into the Committee, of national character: or, if *that be already made*, let the same consideration impel us with active, not passive perseverance, with manly confidence, and calm determination, smiling with equal scorn at the bluster of official arrogance, and the whispers of private malevolence, until we have planted the flag

‘ flag of freedom on the summit, and are at  
 ‘ once victorious and secure. ’

‘ *M’ Alister, 102. Grafton Street, Printer.* ’

WHICH seditious paper or writing, contain-  
 ing, among others, the above passages, the said  
 Thomas Muir did, immediately thereafter,  
 wickedly and feloniously, propose should be  
 received, and lie on the table of the said Meet-  
 ing; and did also move, that the thanks of the  
 Meeting, or some acknowledgement, should  
 be returned to those from whom the foresaid  
 paper or address came. AND MOREOVER,  
 the said Thomas Muir did, then and there,  
 wickedly and feloniously express his approba-  
 tion of the sentiments contained in the said  
 paper or address, or, at least, did declare, that  
 it was altogether harmless, or used words and  
 expressions of a familiar import, notwithstanding  
 that many of those who were present at  
 the foresaid meeting did oppose and object to  
 the foresaid paper or address being read, or  
 allowed to lie on the table, or in any shape  
 acknowledged by the same Meeting. AND the  
 said Thomas Muir having been brought be-  
 fore John Pringle, Esq; our Sheriff-depute  
 of the county of Edinburgh, upon the 2d  
 day



day of January 1793, did, in his presence, emit and sign a declaration; but immediately thereafter, the said Thomas Muir, conscious of his guilt in the premisses, did, in order to evade punishment, abscond and leave the kingdom; and having been indicted at the instance of our Advocate, for our interest, to stand trial before the High Court of Justiciary, upon to 11th day of February last, the diet was afterwards continued to the 25th of that month, to give him the better opportunity of appearing, if he was so disposed; but the said Thomas Muir having notwithstanding failed to appear he was, on the 25th of February last, fugitate by a sentence of the said High Court. AND the said Thomas Muir having lately, in a private and clandestine manner, come into this country by the way of Ireland, he was discovered at Portpatrick, apprehended and committed prisoner to the tolbooth of Stranraer, in the country of Wigton, on the 30th, or some other day in the month of July last; and, at same time, fundry papers found in his possession were, together with his pocket-book, sealed up in the presence of William Ross, Esq; one of our Justices of Peace for the shire of Wigton, under the seals



of the said Thomas Muir and the town seal of Stranraer. AND the said Thomas Muir having been afterwards transmitted to Edinburgh, by warrant of our High Court of Justiciary, alongst with the said pocket-book and papers, the sealed parcel containing the same was opened in presence of him, the said Thomas Muir, and Harry Davidson, Esq. Sheriff-substitute of the county of Edinburgh, upon the 10th day of August current, the seals having been previously inspected by the said Thomas Muir, and declared by him to be entire, and an inventory of the contents thereof was made, and signed by the said Thomas Muir and Harry Davidson, and others then present. AND the above mentioned declaration, emitted by the said Thomas Muir before the Sheriff-depute of Edinburgh upon the 2d of January 1793, together with a copy of 'Paine's Works,' recommended and circulated as aforesaid; as also a copy of the said 'Declaration of Rights, and an Address to the People, approved of by a number of the Friends of Reform in Paisley,' circulated as aforesaid; as also, a copy of the 'Dialogue between the Governors and the Governed,' circulated as aforesaid; as also a copy of 'The Patriot,' circula-

culated as aforesaid; as also a copy of the  
 ' Address from the Society of United Irishmen  
 ' in Dublin, to the Delegates for promoting a  
 ' Reform in Scotland,' produced, read, and ap-  
 proved of by the said Thomas Muir, in man-  
 ner foresaid and attested by the subscriptions  
 of James Denholm, James Campbell, and o-  
 thers; and also a book, entituled, ' The Book  
 ' of the Records of the Association of the Friends  
 ' of the Constitution and of the People of Kirk-  
 ' intilloch, volume 1st, Entered at Kirkintil-  
 ' loch, November 1792;' and also the foresaid  
 inventory, made up before the said Thomas  
 Muir and the Sheriff-substitute of Edinburgh,  
 upon the said 10th day of August current, with  
 the whole articles and papers therein contained  
 and referred to, will all be used in evidence a-  
 gainst the said Thomas Muir, and will for that  
 purpose in due time be lodged with the clerk  
 of the High Court of Justiciary, before whom  
 he is to be tried, that he may have an opportu-  
 nity of seeing the same. AT LEAST, times and  
 places above mentioned, the said seditious  
 speeches and harrangues were uttered, the said  
 seditious books or pamphlets recommended to  
 be purchased and perused, the said seditious  
 books

books or pamphlets circulated and distributed, as aforesaid, and the said wicked and inflammatory address produced, read, recommended, and approved of, in manner above mentioned; and the said Thomas Muir is guilty actor, or art and part, of all and each, or one or other of the aforesaid crimes. **ALL WHICH** or part thereof, being found proven, by the verdict of an assize, before our Lord Justice, General, Lord Justice Clerk, and Lord Commissioners of Justiciary, in a Court of Justiciary to be holden by them within the Criminal Court-house of Edinburgh, the said Thomas Muir **OUGHT** to be punished with the pains of law, to deter others from committing the like crimes in all time coming.

### LIST OF WITNESSES.

1. John Brown weaver at Lennoxton, in parish of Campsie, and county of Stirling.
2. John Speir weaver at Lennoxton aforesaid.
3. William Robertson excise-officer at Lennoxton aforesaid.
4. Francis Clark callico printer at Lennox Mill, parish and county aforesaid.
5. Alexander Johnston bleacher at Kincaid Printfield, in parish of Campsie aforesaid.
6. Henry Freeland weaver in Kirkintilloch.
7. William Muir weaver in Kirkintilloch.
8. John Scott wright in Kirkintilloch.
9. Robert Weddel weaver in Kirkintilloch.
10. James Baird hosier in Kirkintilloch.



11. The Rev. Mr William Dunn minister of Kirkintilloch.
12. John Scott weaver in Townhead of Kirkintilloch.
13. William Knox weaver there.
14. James Muir student of divinity residing at Campsie.
15. Anne Filher servant, or late servant, to Mr John Carlisle collector of the cess in Glasgow.
16. Thomas Wilson barber in Glasgow.
17. William Reid bookseller and stationer in Glasgow.
18. James Brash bookseller and stationer there.
19. David Blair manufacturer in Glasgow.
20. John Muir senior, late hat-manufacturer, presently residing in Glasgow.
21. John Barclay residing in the parish of Calder, in the county of Lanark, and one of the elders of said parish.
22. The Reverend Mr James Lapslie minister of Campsie.
23. James Campbell writer to the signet.
24. James Denholm writer in Edinburgh.
25. Hugh Bell brewer in Edinburgh.
26. John Buchanan baker in Canongate of Edinburgh.
27. Mr John Morthland advocate.
28. William Skirving of Strathruddie, residing in Edinburgh.
29. Lieutenant-Colonel William Dalrymple of Fordell.
30. Mr Robert Forsyth advocate.
31. Richard Fowler student of medicine, residing, or lately residing in Edinburgh.
32. John Pringle, Esq; Sheriff-depute of the county of Edinburgh.
33. William Scott solicitor-at-law, and procurator-fiscal of the said county of Edinburgh.
34. Joseph Mack writer in Edinburgh.
35. Sir James Colquhoun of Luss, Baronet, Sheriff-depute of the shire of Dunbarton.
36. William Honyman, Esq; Sheriff-depute of the shire of Lanark.
37. Harry Davidson, Esq; Sheriff-substitute of the county of Edinburgh.
38. George Williamson messenger in Edinburgh.
39. Mr James Carmichael commander of the Justice hulk, in the service of the Board of Customs.
40. William Rose, Esq; one of the Justices of Peace for the county of Wigton.

To

To this indictment, Mr Muir pleaded not guilty; the Lord Justice Clerk then asked Mr Muir who was his counsel? and if he, or they had any objection, why the said indictment should not be remitted to the knowledge of an assize? To which Mr Muir answered. ‘ My Lord, I am my own counsel; nor shall I now trouble the Court with any observations whatever, but reserve myself entirely till I come to address the jury, whom in this country I hold to be judges both of the law and the fact.’

The Lord Justice Clerk then demanded, what exculpatory proof Mr Muir proposed to set up, as it must now be stated, otherwise it could not be allowed.

Mr Muir observed, that he had shortly given in writing the exculpatory proof he intended to offer; that he had been accused of seditious harangues, and of circulating improper books, and that he intended to prove the reverse.

The Court then desired to know, as it might save trouble, whether he admitted, that he had recommended the particular books libelled; to which he answered in the negative; but that he had advised reading books in all sides of the question.

The

The Lord Justice Clerk then asked the judges severally their opinions on the relevancy of the libel before them; when Lord Henderland spoke as follows:

My Lord Justice Clerk, The crime with which the indictment charges the pannel at the bar is that of exciting discontent amongst the people; of endeavouring to create a rebellion; of feloniously disseminating wicked and seditious publications, and advising their perusal. It charges him likewise with recommending, printing, and approving declarations calculated to produce riot and confusion; and particularly with attacking Kingly Government, a pillar on which the constitution hinges; and which, if undermined or pulled down, must give rise to the most serious consequences. Had he observed the history of this country, he would have seen the pernicious consequences of the crimes laid to his charge; or had he observed the situation of a neighbouring country, he would have seen that similar crimes had like an earthquake swallowed up her best citizens, and endangered the lives and properties of all. Sorry shall I be, if of such a crime any man be found guilty. I hope the pannel at the bar may be able



able to exculpate himself; but if the charges libelled are found to be true, they in my opinion, must be found relevant to infer the pains of law; and these pains include every thing short of a capital punishment.

The other Lords shortly acceded to this opinion; and the Lord Justice Clerk observed, that in the present stage of the case it was necessary only to say, that the crime charged was sedition, and was well known in the law of Scotland, in which it was allotted a particular chapter; that it consisted in exciting the people to be discontented, and in endeavouring to overturn our happy constitution, the best in the world; and had therefore no doubt of the propriety of remitting the present indictment to the knowledge of an assize.

The usual interlocutor was then pronounced, and the clerk of Court gave the Lord Justice Clerk the following list of forty-five Jurymen.

#### LIST OF ASSIZE.

- Sir John Clerk of Pennycuik, Baronet
- Sir William Dick of Prestonfield, Baronet
- Sir John Inglis of Cramond, Baronet
- Sir Archibald Hope of Craighall, Baronet
- 5 Sir James Fowles of Collington, Baronet
- Sir Philip Ainslie of Comley-Bank

Charles

- Charles Watton of Saughton  
 James Forrest of Comiston  
 Thomas Craig of Riccarton  
 10 Captain John Inglis of Auchindinny  
 John Wauchope of Edmonstone  
 John Balfour younger of Pilsig  
 David Johnston of Bavelaw  
 John Davie of Gavindale  
 15 Andrew Wauchope of Niddry Marishal  
 John Trotter of Mortonhall  
 Gilbert James of Stow  
 John Davidson of Ravelrig  
 James Rocheid of Inverleith  
 20 John Newton of Curriehill  
 James Calderwood Durham of Polton  
 Thomas Wright of Greenhill  
 James Gillespie of Spyeclaw  
 Thomas Sivewright of South-house  
 25 James Kerr of Woodburn  
 John Alyes of Dalkeith, portioner  
 Patrick Fridge hatter in Edinburgh  
 Thomas Brown bookseller there  
 Andrew Smith perfumer there  
 30 James Charles hatter there  
 Alexander Inglis merchant there  
 William Pattison merchant there  
 William Cooper upholsterer there  
 Andrew Ramsay slater there  
 35 Thomas Duncan bookseller there  
 William Dalrymple merchant there  
 Francis Buchan merchant there  
 James Mansfield banker there  
 Donald Smith banker there  
 40 James Dickson bookseller there  
 Samuel Paterson merchant there  
 George Kinnear banker there  
 Andrew Forbes merchant there  
 John Horner merchant there  
 45 Alexander Wallace banker there.



Of these, the Lord Justice Clerk called upon  
Sir James Fowlis of Collington, Bart.

Capt. John Inglis of Auchindinny.

Capt. Inglis on answering to his name, told the Court, that he had some scruples as to the propriety of his serving on the present Jury, on account of his being a servant of government; and as the crime laid to the charge of the pannel was an offence particularly against government, he doubted whether such a circumstance would be doing Mr Muir complete justice.

*Lord Justice Clerk.*—Capt. Inglis, there can be no doubt of your acquitting yourself fairly and honestly on the present trial.

*Capt. Inglis.*—Certainly not, My Lord; I only mention it on Mr Muir's account.

The Lord Justice Clerk then proceeded to name

John Wauchope of Edmonstone.

John Balfour younger of Pilrig.

Andrew Wauchope of Niddry Marishal.

And having asked Mr Muir, if he had any objection, why these five gentlemen should not pass upon this assize? Mr Muir said; My Lord, I can have no personal objection to any of the gentlemen named, but must observe, that the  
minds



minds of men were much agitated in the course of last winter by the great question of reform. Good men thought differently, it is true; but if any man has openly declared his sentiments to be inimical to those of a different way of thinking, they are not proper persons to sit as Jurymen, where such a question is agitated. An association was formed at Goldsmiths Hall, I hope with as pure intentions as influenced me, but they published resolutions against Paine's works; and I ask if that is not a prejudication of my cause? I must mention another fact; The Friends of the People were accused of sedition, to obviate which calumny we deputed a number of our body, of which I was one, to put down our names to their constitutional declaration, which signatures they expunged.—This is a proscription of me, and of course no man of that society can be a judge in my cause.

*Solicitor General.*—To what amounts this objection: A gentleman is accused of sedition, and Goldsmith's Hall association have said, they detested it, a thing which every man in the country has done.

*Mr Muir.*—This affects me little. I am not to-day to descend into the quibbles of a lawyer.

I wish to consider the matter seriously, and I ask, if these gentlemen in point of material justice can be admitted?

*Lord Justice Clerk.*—This objection must be repelled; for it would go so far as to exclude every man who has taken the oaths to Government.

The five gentlemen named were then sworn upon the jury, and the Lord Justice Clerk proceeded to name

John Trotter of Mortonhall.

Gilbert Innes of Stow.

James Rocheid of Inverleith.

John Alves of Dalkeith, portioner.

William Dalrymple, merchant, Edinburgh.

To these Mr Muir repeated the objection; observing, that a book had been opened, to which every man, every porter or carter was admitted that chose to come; but that his name was marked with peculiar reprobation: How then could any man sit on his trial who had already declared him an enemy?

The objection was again repelled; and the Lord Justice Clerk compleated the Jury by calling

James Dickson, bookseller, Edinburgh.

George

George Kinnear, banker there.

Andrew Forbes, merchant there.

John Horner, merchant there.

Donald Smith, banker there.

To these Mr Muir repeated his objection, which consequently met with the same fate.

The Jury being impannelled, the Counsel for the Crown proceeded to the evidence.

The first witness called, was ALEXANDER JOHNSTON, bleacher at Kincaid printfield in the parish of Campsie. To whom Mr Muir objected.

The witness being withdrawn, Mr Muir said, he could prove that the witness had said he would do every thing in his power to hang him.

*Lord Justice Clerk.*—Can you not condescend on the cause of his saying so? If not, it is sufficient that he be purged and sworn; for it would be too much to exclude every witness on a similar objection, as they might thus easily disqualify themselves, and defeat the ends of justice.—His Lordship then desired the witness to be called. The witness being called, sworn, and interrogated in the usual manner; If any one had instructed him what to say, or  
promised



promised him any reward, or if he had any ill-will against the prisoner? He answered in the negative; and proceeded to give his evidence.—That he remembers being at Kirkintilloch in the month of November last; that there was a meeting afterwards known by the name of a Reform Meeting.

The Lord Justice Clerk here reminded the witness that he was to tell the whole truth; that though such a meeting might be illegal, nothing could be laid to his charge, now he was a witness; and the only harm he could do himself was by perjury.—Mr Muir having here observed that his Lordship insinuated that these meetings were illegal, was desired by his Lordship to sit down.

The witness proceeded.—That Mr Muir was there and harangued the meeting; and, addressing himself to the president Henry Freeland, said that he was happy there was so numerous a meeting: That he then stated the disadvantages of the representation, particularly in boroughs, some of which he called rotten boroughs; that he mentioned the small proportion of voters in the country; that some individuals had a right to send members to Parliament;

ment; and that if they would give L. 20,000 for such a right they must necessarily have some interest in doing so; that the Duke of Richmond had once spoken of universal representation, but that L. 20,000 put into his pocket silenced him: That he then drew a comparison between the French and English constitutions; that the French arms were then successful; that they were more equally represented; that their taxes were much less; that two-thirds of their debt was already paid; that our weavers could not bring their goods so cheap to market as a Frenchman; and that we would consequently lose our trade: That he proposed regularity in their proceedings, and that they should be acquainted with the principles of members introduced: That he said the sole intention of such meetings was to procure a more equal representation, and a shorter duration of Parliaments; and that this was to be done two ways,—by petitioning Parliament, and by the circulation of sentiments and opinions,—and therefore they should get all political pamphlets from a neighbouring bookseller; that he said it would be legal to have a King, Lords, and Commons; said nothing of the expence of a  
kingly

kingly government; that one man, when the meaning of the society was asked, said, I want no explanation, I have read Paine's Rights of Man; that this was said to his neighbour, but loud enough to be heard; that the meeting was chiefly composed of young men from 18 to 20 years of age; that he heard of no meeting prior to that; that Muir did not come in until the meeting was constituted; that the president mentioned that Muir was to be there that night; that Mr Muir seemed to be the principal man amongst them; that he recommended more meetings, and to be held timeously, in order to be ready for Parliament; that other meetings were recommended and held, but that Muir did not promise to attend them, as far as he knows.

Being cross examined by Mr Muir, said that Mr Muir always recommended peace and regularity, and that any act of irregularity would ruin the common cause: That he said there was no mode of procuring reform, but by application to Parliament; and that they should beware of admitting members of an immoral character.

*Second*



*Second Witness.*

20 ROBERT WEDDEL, weaver in Kirkintilloch, deponed, That there was a meeting in Kirkintilloch, about the beginning of last November, of the Friends of the People for Parliamentary Reform: That it was constituted, he thinks, the 1st of November; and he was Vice-President: That Mr Muir was at one meeting, and made a speech; but recollects none of the particulars, excepting that he recommended a more equal representation, and a government in a constitutional manner as now established by King, Lords, and Commons. Does not recollect of Mr Muir saying any thing of the burden of taxes, nor of the French king or their arms: That he saw Mr Muir after the meeting, and had general conversation about the country and about books; that it was in William Wallace's, baker in Kirkintilloch; that there were about eight persons present, which was not a fourth part of the number present at the public meeting: that Henry Freeland and James Baird were there; that they were the President and Secretary of the meeting; that they had no religious conversation;—remembers Flower on the French Constitution being mentioned,

and remembers this because he had never heard of the book before ; that they were talking of new publications, and thinks Mr Muir mentioned it, but is not positive : That, in the public meeting, he recollects one Boyd asking Mr Muir about *Paine's* book, who answered it was a book altogether foreign from their purpose.

The *Lord Advocate* having here asked, what was said as to *Flower* on the French constitution? Mr Muir objected to the question, and the witness was removed.

*Mr Muir* said his objection consisted in this, that *Flower* was a book not mentioned in the indictment, and that it was the same thing, as if, had he been accused of theft, the Lord Advocate had begun an examination as to the crime of murder, a thing he had no right to do.

The *Lord Advocate* replied, that in the indictment there was the minor and major proposition; that though he had branched out the latter to a considerable length, all in favour of the prisoner, he was by no means therefore excluded from supporting by other general evidence, the general charge of sedition contained in the minor proposition.

*Mr Muir* said, that had he been accused of murdering

dering John, the Lord Advocate would not have been permitted to examine relating to the murder of William ; and for the same reason, as he was accused of circulating Paine and others, he had no business to inquire about *Flower*, a book never taken notice of in the indictment.

*The Court* were going to give their opinion, when the Lord Advocate said, he would not give them any more trouble, as it was a circumstance of no importance.

*Weddel* was called in again, and proceeded in his evidence.—That he remembers Mr Muir recommended Henry's History of Great Britain, and books in general ; that he (the witness) bought three or four copies of the *Political Progress*, and the *Paisley Declaration* ; that he sold three of them, and kept one for himself ; that he remembers laying them on the table of the meeting, to amuse the members as they were gathering together, but he did not buy them for behoof of the meeting : That he has seen the *Address* to the *Addressees*, and one number of the *Patriot* belonging to William Muir.

Being cross examined by Mr Muir, said, he is sure Mr Muir recommended Henry's history ; that he advised regularity, and said ' the  
' more



‘ more constitutional they were, they would be  
 ‘ the more successful.’

Being asked by the *Solicitor General*,—more successful in what? he replied, in petitioning Parliament for a more equal representation. And being asked again, what he meant by a more equal representation, which, as vice-president of the society, he would certainly be very able to explain, he seemed to be at a considerable loss what to answer, which excited a smile in the audience. On recollecting himself, however, he said, there were different opinions on that subject; that some were for confining it to the landed property, and some were for every man having a vote; that Mr Muir did not give his opinion.

Being cross-examined again, said, that Mr Muir mentioned that tumult and sedition would ruin the cause; that he advised them to beware of immoral characters, and excepting *Henry*, recommended no one book more than another as far as he remembered.

*Third Witness,*

The Rev. Mr JAMES LAPSLIE, minister of Campsie.—To this witness Mr Muir objected; and on Mr Lapslie retiring, he represented to  
 the

the Court that he intended to bring a criminal prosecution against that gentleman; in the mean time, that he was ready to prove that he had been present at the precognition of witnesses to be adduced against him in this prosecution, and had himself asked questions and taken notes; that he had hunted up and down the country in search of witnesses, and had himself, without being called upon, come to Glasgow, and insisted on his declaration being taken.

The *Lord Advocate* said, Mr Muir's objection was twofold;—that he accused Mr Lapslie of being present at precognitions taken before the Sheriff; and also of being an agent in the cause: that the former contained a question of importance, which he would not then agitate, except it were necessary; and requested that Mr Muir might first have his proof confined to the establishing the agency of the witness.

The *Lord Justice Clerk* acceding to this, Mr Muir called Henry Freeland, weaver in Kirkintilloch; who said that he saw Mr Honyman, the Sheriff of Lanarkshire, in company with Mr Lapslie and another gentleman, whom he understood to be a writer from Glasgow: That  
Mr

Mr Lapslie put questions to him, asking him if he had got a college education, and if Mr Muir had been in the Kirkintilloch society? That on signing his name to his declaration, Mr Lapslie said that he wrote an excellent hand of writing, and immediately afterwards, that he was a clever fellow, that it was a pity he was a weaver, and that Mr Honyman could give him a birth; that on the witness telling Mr Lapslie, 'that that was flattery,' Mr Lapslie replied, By no means, and that probably Mr Honyman would call on him.

*Robert Henry* weaver at Kincaid printfield deposed, that he was examined by Mr Honyman; that Mr Lapslie was present, but asked no questions.

The *Lord Justice Clerk* here reminded Mr Muir, that he should confine himself to the question of agency, to which Mr Muir replied, that he conceived that if he could bring forward a string of witnesses, at the taking of all of whose precognitions Mr Lapslie was present and more or less active; that that tended in the most effectual manner to establish the point of agency. He then called *Robert Mac-*  
*kinlay*, who said that he was examined at Camp-

fie



by Mr Honyman; that Lapslie was present, and told him to say every thing he knew like an honest man; that Mr Lapslie appeared very keen, and told the witness it did not interest him, but Mr Muir.

Mr Muir was calling another witness, when the Lord Advocate said he would give up Mr Lapslie as a witness, on which Mr Muir said he was sorry for it, as he intended to have introduced a cloud of witnesses to bear testimony to the conduct of that reverend gentleman.

*Fourth Witness.*

HENRY FREELAND weaver in Kirkintilloch.

Mr Muir begged the Jury to recollect the conversation between him, Honyman, and Lapslie.

—The witness examined,—remembers a Society formed in Kirkintilloch; that in a meeting on the third of November last, he was president; that Mr Muir was there, and made a speech of about a quarter of an hour long, recommending a more general representation, the natural consequence of which would be to lessen the taxes; that Mr Muir said there should be King, Lords, and Commons, that the King should be supported in dignity and honour; so of the Lords; but that the Commons were the object of reform;

form ; that he mentioned France as being successful, and that their liberty seemed to be established ; that he recommended Henry's History of Great Britain, and political books in general ; that he remembers Boyd mentioning *Paine's works*, and Mr Muir saying it was foreign to the purpose ; that he remembers asking Mr Muir's opinion of *Paine's works* at William Wallace's ; that Mr Muir had a copy in the pocket of his great coat, which was hanging over a chair, which Mr Muir told him he might take, and which he accordingly did ; that Mr Muir sent for him to come to Wallace's, and that they had some conversation about the society intended to be erected there, and that he took *Paine* home with him and read it ; that he lent it to one Scot a neighbour, and Stewart a cooper ; that Mr Muir after giving it to him said it had a tendency to mislead the people in procuring a reform ; that he was surprised Mr Muir did not recommend *Paine* ; that the King's proclamation happening to be mentioned they supposed it to be intended against the works of *Paine* ; that he knows of the *Paisley Declaration* ; that he remembers writing to Mr Muir at Edinburgh ; that the books in circulation

lation gave satisfaction; that Muir wrote to him previous however to his receipt of the last mentioned letter, in which he took no notice of books, but mentioned the importance of sending delegates, to the Convention for Reform to be held at Edinburgh; that he wrote another time to Mr Muir about a newspaper being stopt at the Post-office, to which Mr Muir returned an answer again, recommending the sending of delegates, taking no notice of books, and that he would speak about the newspaper at meeting.—Depones further, that he never bought a copy of the *Paisley Declaration*; that the leaves were not cut open of the copy of *Paine* he got from Muir, that he mentioned the book first to Mr Muir, and that William Muir was present.

Being cross-examined by Mr Muir, said that Wallace is an old servant of Mr Muir's father; that Kirkintilloch is about four miles from Huntershill:—That Mr Muir never recommended particular political books; that he always advised them to be constitutional, and that mobs would ruin the cause, that he recommended general subscription papers to be sent as petitions to Parliament.—That his reason

wells

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for asking *Paine's Works* from Mr Muir, was his curiosity to see the book, and that this curiosity had been excited by the King's proclamation.

*Fifth Witness.*

WILLIAM MUIR weaver in Kirkintilloch, being desired to hold up his hand, he objected to take an oath as contrary to his principle; but that he would nevertheless tell the whole truth.—Being asked what his principle was, he said, he was in the Mountain way (a Cameronian).

The *Lord Justice Clerk* observed, that tho' there was an exception in favour of Quakers, yet of all other description of persons an oath was the only foundation of evidence before a Jury; and that he must either give his oath, or go to prison, where he might lie for life, as he knew no possible mode by which he could be liberated. On which the witness said, Well I cannot help it, the Lord is there as well as any where else.

Mr Muir said; That as the witness was adduced by the prosecution, and as his being heard on oath might be considered a privilege in his favour, he was willing to wave it, and  
allow

allow ample credit to be given to his mere affirmation.

The Court, however, immediately put a negative on that, both from the principle of its being impossible to ascertain what a witness may say, and from its being inconsistent with general expediency.

The Court then asked the witness, if he believed the scriptures ; to which he answered in the affirmative. Upon which they reasoned a little with him on the absurdity of his principles ; but on his continuing to adhere to them, the Lord Advocate solemnly addressed the Court, and said, That he never witnessed a similar circumstance in that high Court, nor a circumstance of such importance to the criminal law of the country ; but he begged the person before him to recollect the sacred nature of doing justice between man and man, in a court of law ; and that if he persisted in his obstinacy, he must inevitably be sent to goal, where his imprisonment must be for life.

[Not to interrupt the train of evidence, we may here observe, that soon after, a note was presented to the Lord Advocate, intimating, that this young man was a parishioner of Mr  
Dug

Dun the clergyman, and that with the permission of the Court, Mr Dun would be exceedingly happy, if by conversing with him he could bring him to a sense of his duty.

Mr Muir objected to two of the witnesses for the prosecution, being allowed to converse together; upon which the Lord Advocate immediately said, he would pass from Mr Dun as a witness; and the Court proposed that an agent of Mr Muir, or a macer of Court, should be present at the conversation.—Mr Dun being called, confirmed the proposition that had been made; and accordingly, in company with a macer, and the young man, retired to the robing room; where, as we shall afterwards find, he succeeded in his endeavour to save the infatuated young man from perpetual imprisonment.]

*Sixth Witness.*

JOHN BROWN weaver at Lennoxton in the parish of Campsie and county of Stirling, deposes, That he was present at a meeting at Milntoun in Campsie, where several persons spoke. Mr Muir was among the rest; that he was afterwards at a meeting at Kirkintilloch; that he never heard of Mr Muir being the caller of the  
meeting



meeting; that he bought a copy of Mr *Paine's Works* of his own accord, merely in consequence of seeing the title the 'Rights of Man.' That Mr Muir in his speeches recommended sobriety and good morals, and being constitutional; that he remembers somebody enquiring about Mr *Paine's Works*; Mr Muir said it would hardly do; which they supposed to mean, that it was not quite constitutional;—that he has read some part of the *Political Progress*.

*Seventh Witness.*

ANNE FISHER, servant, or late servant to Mr John Carlisle, collector of the cefs in Glasgow, depones, That she was servant to Mr Muir's father, that Mr Muir was much engaged in reading and writing during the months of last Autumn vacation; that she knows John Menings a Printer, to whom she has gone with messages from Mr Muir; that one message was to carry the *Declaration of Rights*, which he had not printed as Mr Muir wanted it, and therefore Mr Muir wished to have it reprinted, with his corrections; that a good many country people used to come to Mr Muir's father's shop, and conversations were held about *Paine's Rights*

*Rights of Man*; that she remembers Mr Muir saying, it was a very good book; that she has been sent out to buy it frequently at Brash and Reids, sometimes by the people, and sometimes by Mr Muir; that she has bought the different parts at different times; that she generally gave them to the people, and sometimes laid them on the table; that she remembers getting two copies of the CIVIC SERMON for Alexander Muir; that she at different times has bought a copy of Paine for John Muir, who was much pressed by Mr Muir to take it, and one for Barclay of Calder; that Thomas Wilson is Mr Muir's hairdresser, and Mr Muir advised him to buy a copy of *Paine's Rights*, to keep in his shop, to enlighten the minds of his customers, and that it confuted Burke entirely; that she has read Paine herself, both first and second parts, because she wished to know what was in it; that it belonged to a neighbour servant; that she has seen some of the pamphlets of Paine, and also his whole works; that she has seen the Paisley Declaration of Rights, in different parts of the house; that she has heard Mr Muir read the dialogue between the Governors and the Governed in the back shop, in presence of his mother,

mother, sister, and others, that he said it was written by one of the first wits of France, called *Volney*, and that it was very clever; that she does not remember seeing the *Patriot*; that she has heard Mr Muir read part of the *Paisley Declaration* in the back shop, that several people were present; that she never heard him read law; that she was frequently sent up to Mr Muir's room to get books; that Mr Muir generally talked on political subjects, and remembers him reading some French law books; that Mr Muir said there would be more members of Parliament, and that he would be member for Calder; that they would receive thirty or forty shillings a day, and would be good honest men to keep the constitution clean from encroachments; that they would get new counsellors for the King to govern the realm with justice; that France would be the most flourishing nation in the world; that they had abolished tyranny and established a free constitution; that our constitution was originally good, but there were many abuses in it.—Remembers Mr Muir speaking of the courts in this country, and saying, a reform was necessary in the Courts of Session and Justiciary, and there was much



much nonsense in the Lords coming in parade into Glasgow, and that the Court got their money for nothing, but passing sentence on poor creatures; that after a trial in Glasgow, where Mr Muir was advocate for two soldiers, he said he had told the Court and the Jury what they might expect.

Mr Muir here objected to the witness's observations on his flandering the Court, being admitted as evidence, on the same grounds as before as such a charge was not to be found in the indictment.

*Lord Advocate.* The question is simply this; Has the pannel done any thing feloniously or seditiously against the King or constitutional government of the country? and to establish this, I may draw my evidence from every quarter, and from every subject, not merely from people in the streets, but from his domestics; nor am I obliged in the indictment to go into a full condescendence of facts; otherwise I might have made it large enough to have encircled the room.

*Mr Muir.*—I mean only to state a broad fact, which is, that all criminal indictments should be particular, and the facts specially condescended

scended upon; that if I am accused of murdering John, I may not be charged with murdering James; so for the same reason if I am accused of sedition, the facts intended to prove that must be amply stated.

The Court were of opinion, that the general terms of the indictment were sufficient to warrant the questions relating to the Courts which were a part of the Constitution of the country; that the statute, 6th Jac. I. allowed other facts to be adduced to establish the general crime charged, and therefore repelled the objection.

The witness being again called continued her evidence: That she has heard Mr Muir say, that monarchy might do under proper restrictions, but that a republican form of government was the best; that she has been desired by Mr Muir, to go to the hand organist while passing in the street, to make him play the French tune, *Ca ira*. Mr Muir being asked, If he had any questions to put, said, that he disdained to put a question to a witness of such a description. This was reprimanded by the Court; and the witness turning round to Mr Muir said, Does he mean to attack my character?

May I be permitted my Lord to ask Mr Muir a question?

The Court could allow of no personal altercation; and she was about to withdraw, when a juryman desired to know, if she had been turned off from Mr Muir's, or if she had quarrelled with any of the family.—To which she readily replied. ‘Quite the contrary; for on leaving my place, I got five shillings more than my wages, and two petticoats and two handkerchiefs from Mr Muir's sister.’

*Eighth Witness.*

THOMAS WILSON Hair Dresser in Glasgow, said, that he was in the habit of dressing Mr Muir; that Mr Muir recommended *Paine's Rights of Man* to him, and said that he should buy it, not however, insisting on it; and that there was a good deal of truth in it; that he might keep a copy of it in his shop, it being a good place for people to read; that he did not buy it, but bought a copy of the *Address* to the *Addressees*, which, however, he only kept for a day or two, as it began to be run down at that time: That he remembers an old man coming in one day, when he was dressing Mr Muir, and Mr Muir said tauntingly, he was an old reformer.



er. Being cross examined, he said, that Mr Muir recommended good order and morality, and to maintain the Constitution; that he has been in Mr Muir's library at Huntershill, where there is a numerous collection of books, that it is not locked; but open to all the house.

*Ninth Witness.*

JOHN MUIR, senior, late hat manufacturer, presently residing in Glasgow, depones, That he has been in Mr Muir's father's house; that he remembers having some conversation about Paine's book, when the servant was sent to buy a copy of it, which she did, and said that she had bought it at Brash and Reid's; that he paid the price for it himself and read it; that he would not have purchased it, if he had got a loan of it.

Being cross examined, said that he never heard Mr Muir speak of the Constitution.

*Tenth Witness.*

JOHN BARCLAY, residing in the parish of Calder, and county of Lanark, and one of the elders of that parish, on taking the oath, he qualified it by saying, he would tell the truth as far as he could recollect: Depones, That he is acquainted with Mr Muir; that he was desir-  
ed

ed by him to buy Paine if he chose, but Mr Muir at the same time discommended it, saying, It was not for us; that he bought it for himself.

Being cross-examined, he said, that Mr Muir always recommended the constitution, and said it was an excellent one, and that the King was a fine man; and that he recommended application to Parliament as the only respectful and proper mode of obtaining reform.

*Eleventh Witness.*

JAMES CAMPBELL, writer to Signet,—Was present in the Convention of Delegates of the Associated Friends of the People, when the Irish Address was read; that he was going from the Parliament house, and called there in passing; that Mr Muir read it; that Colonel Dalrymple and others were against receiving it, and some speeches were made to that purpose; that Mr Muir said he saw no impropriety in receiving it, and that he would take the responsibility upon himself; that he proposed it should be answered. The witness understood the paper was addressed to the secretary, but that Muir read it, and did not say where he got it.—Mr Muir declined putting any questions to the witness at present,

present, as he intended to adduce him in exculpation.

*Twelfth Witness.*

JAMES DENHOLM, writer in Edinburgh,—says, That he is acquainted with Mr Muir, and was present at the Convention when he read the Irish Address; that objections were made to it, when Mr Muir said that he thought there was no harm in it; that Mr Bell and some others protested; that he saw it lying on the table; that Mr Muir said that some sort of answer should be sent; that some agreed to this proposal, and some not; and thinks it was carried, that no answer should be sent.

Being cross-examined, he said, That he was present at all the meetings of the Convention, and never heard Mr Muir say any thing that he conceived to be unconstitutional.

Being asked by the Counsel for the Crown, What was the object of their meeting, and if it was not a change in the Government? said That he always understood an alteration was intended by what was going on.

*Thirteenth Witness.*

ROBERT FORSYTH, Advocate,—Was present at a meeting of the Convention; that Muir was



was present, and read a printed paper addressed to him ; that objections were made to it ; that he objected to it, because it came from people at a distance ; that it was inexpedient to answer it ; that he thought some of the expressions were too strong, but not seditious ; that Mr Muir defended it, and proposed it should lie on the table.

Being cross-examined, said, That the Convention came to a resolution to adhere to the general principles of the constitution ; that he never heard Mr Muir advise sedition or tumult, but on the contrary to support the constitution ; that he did not hear him say that the Irish Address was constitutional.

*William Muir* (of whom mention is made, page 50) was again introduced, and his scruples having been removed, took the oath, and deposed, that he has frequently talked with Mr Muir : that he was present at Wallace's at Kirkintilloch with him and Freeland ; that Paine's book was not given to Freeland by Mr Muir, but that Freeland took it out of Muir's great coat pocket ; that he does know what they said about Paine ; but he knows what Paine says, which is, that the will of the People was the Sovereign

reign will; that he got some books from Mr Muir at Huntershill; that there were eleven numbers of the Patriot among them; that he gave them to himself and did not desire him to keep them secret; that he intended to shew them to his friends in a society to which he belonged.

Being cross-examined, said that he was present at the meeting in Kirkintilloch, when Mr Muir spoke; that he remembers his speaking about how Old Sarum was represented.

The Council for the Crown then called Harry Davidson, Esq. Sheriff-substitute of the county of Edinburgh; but Mr Muir, to save time, admitted without proof, all which that gentleman was called to prove—viz. that the pocket book, papers, &c. lying on the table, were the same which, being found on Mr Muir when he was apprehended at Stranraer, were there sealed up in presence of William Ross, Esq. one of the Justices of the Peace for the shire of Wigton, and afterwards opened in presence of Harry Davidson Esq.

The parole evidence for the Crown was here closed. When the Lord Advocate desired the Clerk of Court to read the sentence of outlawry and fugitation pronounced against the Pannel

on

on the 25th of February last, his declaration taken before John Pringle, Esq. on the 2d of January last, the declaration of George Williamson messenger, the receipt of the captain with whom Mr Muir sailed from France, his passports, and some letters found upon him; of all which full and correct copies are subjoined.

### COPY SENTENCE OF FUGITATION.

*25th Feb. 1793.*

THE which day the diet of the criminal letters, raised and carried on at the instance of Robert Dundas, Esq. of Arncliffe, his Majesty's Advocate for his Majesty's interest against Mr Thomas Muir younger of Huntershill, Advocate, being called, and the said Mr Thomas Muir having been oftentimes called in Court, and three times at the door of the Court-house, he failed to appear.

WHEREUPON his Majesty's Advocate moved, that sentence of outlawry and fugitation might be awarded against him; and as he understood that bail had been given for his appearance, when apprehended by the Sheriff of the county of Edinburgh, he craved that the penalty in the bond might be forfeited and recovered.

The



"The Lord Justice Clerk and Lords Commissioners of Justiciary decern and adjudge the said Mr Thomas Muir to be an outlaw and fugitive from his Majesty's laws, and ordain him to be put to his Highness's horn, and all his moveable goods and gear to be escheat and inbrought to his Majesty's use, for his contempt and disobedience in not appearing this day and place in the hour of cause, to have underlyen the law for the crimes of sedition and others specified in the said criminal letters raised against him thereanent, as he who was lawfully cited to that effect, and oftentimes called in court, and three times at the door of the court-house, and failing to appear as said is. And ordain the bond of caution granted for the appearance of the said Mr Thomas Muir in the Sheriff-court books of Edinburgh to be forfeited, and the penalty therein contained to be recovered by the clerk of this Court, to be disposed of as the Court shall direct.

(Signed) ROBERT M'QUEEN, J. P. D."

The prosecutor being about to adduce evidence for proving the declaration of the pannel libelled on, and also the inventory made up before the Sheriff-substitute of Edinburgh, with

the whole articles therein contained, likewise libelled on ; the pannel, judicially admits that the declaration libelled on was emitted by him voluntarily and freely, of the date it bears, and that he was then sober and in his sound senses ; and that the inventory was made up in his sight, in presence of the Sheriff, and that the articles therein contained are the same that were taken from him and sealed up at Stranraer.

(Signed) THOMAS MUIR.

ROBERT M'QUEEN, I. P. D.

The following papers were then read :

COPY DECLARATION of MR. MUIR.

*At Edinburgh, the 2d of January, 1793.*

THE which day compeared, in presence of John Pringle, Esq. Advocate, his Majesty's Sheriff-depute of the shire of Edinburgh, *Thomas Muir*, Esq. Advocate ; who, being examined by the Sheriff, and being interrogated, Whether or not the declarant, in the month of November last, was in the towns of Kirkintilloch, Lennoxton of Campsie, or Milltown of Campsie ? declares, That he declines answering any questions in this place, as he considers a  
 declaration

declaration of this kind, obtained in these circumstances, to be utterly inconsistent with the constitutional rights of a British subject; That he has solemnly maintained this principle in pleading for others in a criminal court, and that, when it comes to be applied to his own particular case, as at present, he will not deviate from it: Declares, That he neither composed, published, nor circulated books or pamphlets, inflammatory or seditious: That in public and private, he always advised, and earnestly entreated those who might be engaged in the prosecution of a Constitutional Reform, in the representation of the people in the house of Commons, to adopt measures mild but firm, moderate but constitutional; and that he has always inculcated upon all whom he may have addressed upon any occasion, that there was no other mode of accomplishing a Constitutional Reform, in the representation of the people in the house of Commons, but by the mode of respectful and Constitutional Petitions to that house, for that purpose; and that he did not doubt but the wisdom of that house would listen to the voice of the people, when thus constitutionally presented: And being shown three numbers



numbers of a paper, entitled, The Patriot, the first dated, "Tuesday, April 17th 1792:" The second dated, "Tuesday, June 12th;" and the third, "Tuesday, July 10th," without mention of the year; and being interrogated, if he gave these pamphlets to William Muir, weaver in Kirkintilloch, and eight other numbers of the same publication? declares, That he adheres to the principles which he has mentioned in the preceding part of this declaration, and declines answering the question. And being shown a book entitled "The Works of Thomas Paine, Esq;" and interrogated, If he did not give said book to Henry Freeland, weaver in Kirkintilloch, and first preses of the Reform Society there? declares, That he adheres to his principle, and declines answering the question. And being shewn a pamphlet, entitled "A Declaration of Rights, and an Address to the People;" and interrogated, Whether or not he gave the aforesaid pamphlet to the said Henry Freeland? declares, That he declines answering, upon the aforesaid principle. And being interrogated, Whether or not he gave to the aforesaid Henry Freeland, a book, entitled "Flower on the French constitution

stitution?" declares, That he declines answering the question, upon the aforesaid principle; and all the before mentioned books are marked as relative hereto, of this date. And being interrogated, Whether or not the declarant was a member of the Convention which met in Edinburgh in the month of December last, styling themselves the Convention of the Associated Friends of the People, and produced to that meeting a paper, entitled "Address from the Society of United Irishmen in Dublin, to the Delegates for Reform in Scotland, 23d November 1792," and moved, that the thanks of the meeting should be returned to that Society, for said Address? Declares and declines answering the question, upon the aforesaid principle. All this he declares to be truth.

(Signed) THOMAS MUIR.

JOHN PRINGLE.

**COPY DECLARATION OF GEORGE WILLIAMSON,**

*At Edinburgh, 10th August, 1793.*

GEORGE WILLIAMSON, messenger in Edinburgh, declares, That on Friday the 2d of August instant, he received a warrant of the

Cour

Court of Justiciary, for bringing the person of Mr Thomas Muir, younger of Huntershill, from the prison of Stranraer, to the prison of Edinburgh. In consequence of which he went to Stranraer, and arrived there in the morning of Sunday the 4th instant, when he received the person of the said Thomas Muir; and he also received from Mr Kerr, one of the magistrates of Stranraer, a parcel, sealed, and intituled 'papers belonging and found on Mr Thomas Muir W. R. J. P.' And which packet was sealed with the seal of the burgh of Stranraer, and also with two seals, which he now hears Mr Muir declare to be his, and which parcel he now exhibits, with the seals entire.

And the foresaid parcel having been opened, in presence of the said sheriff substitute, Hugh Warrender, Esq; Mr William Scott, Procurator Fiscal of the shire of Edinburgh, George Williamson, messenger in Edinburgh, and Joseph Mack, writer, Sheriff Clerk's Office; and also, in presence of Mr Thomas Muir, who admitted, that this was the parcel containing the articles belonging to him, which were sealed up by the Magistrates of Stranraer, and to which he then affixed his seals, and which he observed

to



to be entire, previous to its being opened in his presence ;—The same was found to contain :

1. Ten copies of a pamphlet, entitled, ' Proceedings of the Society of United Irishmen of Dublin. Dublin printed by order of the Society, 1793.'
2. A printed copy of the trial, at large, of Samuel Bushby, and Judith his wife.
3. Twenty-nine copies of a printed paper, entitled, ' United Irishmen of Dublin 7th June 1793,' being an Address from the Catholic Committee, to their Catholic Countrymen.
4. Five copies of another printed paper, being ' Resolutions of the Society of United Irishmen, held on the 15th of July.'
5. Twenty-two copies of a paper, purporting to be an abstract of the trial of Francis Graham, Esq; one of his Majesty's Justices of Peace for the county of Dublin, on the 9th July 1793, before the Hon. Baron Power.
6. A printed copy of an act to prevent tumultuous risings, &c. of the 27th Geo. III. printed Dublin, 1787.
7. Eighty-four copies of a printed paper, dated, ' Rath Coffey, 1st July, 1793;' containing a quotation from Milton, on the liberty of unlicensed printing.
8. Letter, signed J. Muir, dated Glasgow, 21st July 1793, beginning with, Dear Sir, but having no address.
9. Letter, signed Thomas Muir, and addressed to Captain George Towers, of the American ship, the Hope, from Baltimore, care of Messrs Cunningham and Co. merchants, Belfast, and dated Dublin 27th July, 1793.
10. A Red Turkey pocket-book, containing:
  1. A passport from the department of Paris, in favours of citizen Thomas Muir, dated 23d April 1793, having upon the back an indorsement, dated 5th May 1793.
  2. Receipt by A. M'Dougal to Mr Muir, for 900 livres, for his passage in the cabin of the ship from Havre de Grace, to the Port of New York, dated Havre de Grace, 16th May, 1793.
  3. Certificate that Thomas Muir has been duly elected one of the members of the Society of United Irishmen of Dublin, dated 11. January 1793 signed, Archibald Hamilton Rowan, Secretary.

4. Sealed

4. Sealed letter, directed, 'The Rev. Thomas Fische Palmer, Edinburgh.'
5. Ditto, directed 'Norman M'Leod Esq; M. P. Scotland.'
6. Ditto directed 'to Mrs M'Cormick, at Dr. M'Cormick's St Andrew's, Scotland.'
7. Another passport, of the department of Calais, in favour of citizen Thomas Muir, dated 15th January, 1793.
8. Passport of the Commissary of the Section of the Thuilleries, in favour of citizen Thomas Muir, dated 4. May, 1793.
9. Declaration of Residence, dated 3d April 1793, in favour of Thomas Muir
10. Letter, signed D. Stewart, dated, No. 52. Frith street, Soho, London, February 1st.
11. (Addressed) John Hurford Stone, Esq; or Thomas Muir, Esq; Advocate, No. 99. Palais Royal Paris.
12. Letter, signed James Campbell, dated No. 10. St Andrew's Square, Edinburgh, 26. January 1793: Addressed to Thomas Muir, Esq; younger of Hunterhill
13. Letter, signed D. Stewart, dated, 52. Frith Street, January 30; Addressed, Thomas Muir, Esq; Advocate, to the care of John Hurford Stone, Esq; Paris.
14. A Letter, signed W. Skirving, without date, addressed to Thomas Muir, Esq; younger of Hunterhill.

### COPY CERTIFICATE.

SOCIETY of United Irishmen of Dublin: I hereby certificate, that Thomas Muir has been duly elected, and having taken the TEST, provided in the Constitution, has been admitted a member of this Society.

(Signed) *Arch. Hamilton Rowan*, Sec.

No 205. }  
Jan. 11. 1793. }

On

On the margin of the original, is the figure of a harp, with this motto, "*It is new strung, and shall be heard.*"

Which whole pieces of writings, printed papers and letters, were signed by the initials of the Sheriff Substitute, Mr Scott, George Williamson, and Joseph Mack, of this date, and those taken out of the pocket-book, were again replaced in the pocket-book, and the whole of the said writings, &c. were also signed with the initials of Mr Muir, excepting the three sealed letters, which he declined to put his initials to, in regard he did not consider them as his property. He further required that the Sheriff-substitute should immediately transmit these three letters to the respective persons to whom they are addressed, as any other proceeding would be a violation of the private rights and property of the persons to whom they belong. Scott, on the part of the public prosecutor, represented, that this last request cannot, in his opinion be complied with, seeing these letters, with the other papers in the sealed parcel, were transmitted to this office under warrant of the Court of Justiciary, for the purpose of being inspected.

K

RECEIPT



*RECEIPT of Capt. M'Dougall for Mr Muir's passage from Havre de Grace to New York.*

RECEIVED from Mr Muir the sum of Nine hundred livres, for his passage in the cabin of the ship from Havre de Grace to the port of New York, in finding him with all stores.

Havre de Grace, }  
16th May 1793. }

A. M'DOUGALL.

PASSPORT AT PARIS.

REPUBLIQUE FRANCAISE,

DEPARTEMENT DE PARIS.

PASSEPORT délivré en execution de la loi du 7 Decembre 1792, l'an premier de la Republique Française.

Vu l'avis du Conseil general de la Commune de Paris, laissez passer le citoyen Thomas Muir, allant a Philadelphie, domicilié a Paris, municipalité de Paris, departement de Paris, natif d'Ecosse, homme de loi, âgé de vingt huit ans, taille de 5 pieds 3 pouces, cheveux et sourcils chatain, yeux bleux, nez aquilin, bouche moyenne, menton rond, front haut, visage long et plein, — prêtez-lui aide et assistance, au besoin.

Fait en directoire, le 23 Avril mil sept cent quatre vingt treize; l'an deuxieme de la République Française; et a ledit Citoyen Muir signé avec nous administrateurs composant le Directoire du Departement de Paris. Approbatif

Thomas Muir.

Dubois.

E. J. B. Maillard.

Leblauif,

Nicoleau, presid.

Vu

Vu par nous Ministres des Affaires Etrangères.  
A Paris, le 29 Avril l' an 2<sup>me</sup> de la Republique.

*Le Brun.*

*Maillie, Garat, Gr.*

*PASSPORT AT CALAIS.*

REPUBLIQUE FRANCAISE,

AU NOM DE LA LOI.

Departement du Pas-de-Calais, District, Municipalité de Calais.

LAISSEZ passer le Citoyen Thomas Muir, Ecoffais, domicilié a Edinburgh, municipalité de ——— district de ——— department de ——— agé de 28 ans, taille de 5 pieds 3 pouces, cheveux, fourcils, chatain, yeux bleus, nez aquilin, bouche moyenne, menton rond, front rond, visage long et plein; et pretez-lui aide et assistance en cas de besoin, allant en France, et due a l'étranger.

Delivré en la Maison Commune de Calais, le 15 Janvier, 1793, l'an premier de la Republique Française.

*Thomas Muir.*

*Maussy, Officier Municipal.*

*Cellierboullie, Secrétaire et Greffier  
qui a signé avec nous le present.*

When the Lord Advocate desired the letter signed I. M. to be read, Mr Muir objected to that and the other papers being read; not that he cared for their being read, but because they had nothing to do with his trial. He endeavoured to shew, that in the Indictment no criminality whatever was attached to these papers; and

and that reading them would only reveal the secrets and distresses of a private family to gratify an idle curiosity.

*The Lord Advocate.*—I wish to indulge no idle curiosity; but I have a right to have read what I conceive necessary to establish my charge; and I shall afterwards take an opportunity of shewing their import. All I wish at present is, to shew that he was conscious of his guilt: Nay, I go farther; his defence of being prevented from returning, and his voluntarily surrendering himself, are all assertions standing contradicted by these letters.—But these circumstances are only collateral; not in issue, nor necessary in the conclusion.

*Mr Muir.*—I join issue, and gladly, with the Lord Advocate on that subject.

The Clerk of Court then read the following letters.

LETTER from J. MUIR, to Capt. GEORGE TOWERS.

DEAR SIR, *Glasgow, 21st July, 1793.*

I AM at a very great loss how to answer your letter, as it's not understood by me; but if it's the friend that I have, if it's he, I would  
be



be overjoyed to see his hand-writing, and to know what has become of him these three months. I thought he had been at Philadelphia ere now, where letters are forwarded for him; and if you are to stay any time at Belfast be so kind as write in course; and I will come over and see you and him. You can write the time you mean to stay. Mr John Richardson, a son of Deacon James Richardson, I saw him this week at Greenock, where he is to sail in the Almy of New-York directly, who has two pacquets of letters for him; and there is many letters wrote for him to the first people in America. And once he were there, he'll get letters to General Washington; and I hope, dear Sir, you'll shew him every civility in your power, which I hope some day gratefully to thank you for it. There is a trunk also in the Almy for him, which Mr Richardson will deliver into his own hand. Only I sincerely wish you a safe, pleasant, and successful voyage, and a happy meeting with your friends. And I remain,

DEAR SIR,

Your most humble Servant,

J. MUIR.

If

If it's the person I mean, a cousin of his, William Muir, formerly of Leith, is lying at Philadelphia. His ship is an American bottom. The loss of this young man has been a dreadful affliction to us. Please give our friend this letter. I honoured his draft in favours of Mr Massey. He'll get his letters at the post-office Philadelphia.

I hope in a year or two he can return, if he doth not love America; and be so good as cause him write me one line in your letter. *You can direct it*; and if he doth not *chuse to sign it*, you can put to your initials.

[The Address tore off.]

LETTER from THOMAS MUIR, to Capt.  
GEORGE TOWERS.

DEAR SIR, *Dublin, 27th July, 1793.*

THIS day I received yours; and will be down upon Tuesday evening. I have taken my place in the coach for to-morrow. I am happy to hear my friends are well. I will  
write

write them from Belfast. Of this you can give them information. I am,

DEAR SIR,

Your respectful Friend,

THOMAS MUIR.

Capt. GEORGE TOWERS, of the  
American ship, the Hope, from  
Baltimore. — Care of Messrs  
Cunningham, & Co. merchants,  
Belfast.

The proof on the part of the Crown being here finally closed, the Court desired Mr Muir to proceed to his exculpatory evidence; when he called *his*

*First Witness.*

WILLIAM SKIRVING—said, That he knew Mr Muir went to London last January to be present at a meeting of the Friends of the People there, and that he received a letter from London from him, mentioning his having been at the meeting: That the reason of Mr Muir's going to France, was, that it was the opinion of the Friends of the People that he might have considerable influence with the leading people there in saving the *life of the King*, which was an event that would injure the *common cause*; that he received a letter from Paris  
from



from Mr Muir, mentioning that he was too late to effect the object of his journey, and that he would return as soon as his friends found it necessary; that he has often been in private meetings and public societies with Mr Muir, and that he always heard him recommend good order and regularity; that he never heard him speak against the King, or the House of Lords; that he knows Mr Muir never was fond of faction; that Mr Muir never submitted any plan of Government to his inspection; that they have talked together about Paine; that Mr Muir and he agreed that Paine recommended a government founded on bad principles; and that he himself had written a good deal upon the subject; and that he had told Mr Muir if he could do any good he would publish his thoughts to the world, by giving an hour at night, and Mr Muir offered to dispose of a number of tickets.

Being cross-examined by the Solicitor General he said that he was secretary to the General Association of the Friends of the People.

*Second Witness.*

JAMES CAMPBELL, writer to the Signet,—  
Depones, That he acted as an agent for Mr  
Muir

Muir during the course of last winter, and received several letters from him which he produced, and they were read by the Clerk of the Court.

LETTER from Mr MUIR to Mr CAMPBELL,  
Writer to the Signet, Edinburgh.

DEAR SIR, *Paris, 23d Jan. 1793.*

I WROTE you from Calais and from Paris, and impatiently expect your answer. Write me fully about my private affairs, but *about nothing else*. Whenever you and my friends judge it expedient or proper, I will immediately return, but I cannot leave Paris without regret. I am honoured by the notice and friendship of an amiable and distinguished circle, and to a friend of humanity it affords much consolation, to find according feelings in a foreign land. Present my best wishes to all our friends, to Messrs Johnston, Skirving, Moffat, Buchanan, &c. Intreat you to find means to send over the numbers of the two Edinburgh Newspapers. The London papers come here but irregularly. One wishes to know what is going on at home; but tell my friends it is only through the channel of Newspapers I can receive that intelligence.

L

gence. Write me under the following cover,  
*Au Citoyen de Coudile, hotel de Toulon, No. 1. rue  
des Fosses du Temple.* Communicate this ad-  
dress to all my friends. Inform them no letter  
can reach me, if not part of the postage is paid  
in Edinburgh, I am,

DEAR SIR,

Yours &c.

THOMAS MUIR.

JAMES CAMPBELL, Esq. writer to }  
the Signet, Edinburgh, Scotland. }

P. S. My compliments to Mr Dick; intreat  
him to take the charge of my things.

Second LETTER from Mr MUIR to Mr CAMP-  
BELL.

DEAR SIR,

I HAVE written you frequently, whenever  
you think it proper I shall return. At the same  
time, honoured as I am by the civilities and  
attention of many amiable characters, it would  
be with reluctance I could quite Paris for a  
month or two. About my private business  
write me, but not a word on any other subject.  
Remember me to Johnstone, Skirving, Moffat,  
&c. Tell them no distance of space shall obli-  
terate my recollection of them. Write me  
punctually,



punctually, I intreat you. Cause them likewise write me. Omit no post. My address is under cover, *Au Citoyen Coudile, hotel de Toulon, No. 1. rue des Fosses de Temple,* I am,  
Yours, &c.

THOMAS MUIR.

Paris, 27th Jan. }  
1793. }

JAMES CAMPBELL, Esq. writer to }  
the Signet, Edinburgh, Scotland. }

LETTER from Mr M'INTOSH to Mr CAMP-  
BELL.

SIR,

I HAVE to acknowledge the receipt of your letter respecting the business of Mr Muir. I did not lose a moment in finding a safe and speedy conveyance to him at Paris for your letters, and those of his other friends in Scotland, sent to my care. I delayed from day to day in the perpetual expectation of seeing Mr Muir here on his return. Its now, however, become necessary for me to inform you, that he is not yet come; and considering the extreme anxiety which he must have felt to return as soon as possible, I think it very probable that this delay ought to be ascribed to the embargo laid on

on the vessels in the ports of France, which may perhaps have rendered it impossible for him, though even at Calais to make his passage to England. I think this probability at least sufficiently great to be pleaded for a delay of his trial and it is to enable you and his friends to make any use of it that you may think fit, that I have now thought it necessary to communicate this state of facts to you, I am,

SIR,

Yours, &c.

JAMES M'INTOSH.

*St. Charlotte Street, Portland-  
Place, Feb. 7th 1793.* }

The witness further said that Mr Muir always recommended good order and regularity; and that he has heard him say that Paine's book was dangerous to weak minds.

*Third Witness.*

J. BUCHANAN, baker, Canongate: That he has seen Mr Muir frequently in private and in public; and has heard him say, that in all their applications for redress, they should look to constitutional means as to their polar star; that Mr Muir never recommended riot, but the contrary, and advised the people to inform their minds.

*Fourth*



*Fourth Witness.*

WILLIAM JOHNSTON, late printer in Edinburgh,—said, That he has frequently heard Mr Muir make speeches, in which he always recommended supporting the constitution with firmness; that he never heard him advise tumult, but on the contrary, sobriety of behaviour, and applying to parliament by petition; that he has received letters from Mr Muir from France; that they were on general subjects, and that he has not got any of them now with him.

*Maurice Thomson starch maker, Charles Salter brewer, and Peter Wood teacher, the fifth, sixth, and seventh witnesses, adduced by Mr Muir; said, That they have heard Mr Muir recommend reform, but to accomplish it by constitutional measures; and that he always spoke against riot and confusion.*

*Eight Witness.*

DAVID DALE, junior, manufacturer in Glasgow, Depones, That he remembers Mr Muir being at a meeting in Glasgow, and on some motion being made, Mr Muir observed that no books in particular should be recommended, that, that had too much the appearance of party, and therefore advised general reading:



reading: That petitions to parliament was the only proper mode of conducting the business; that Mr Muir circulated no books nor spoke of Mr Paine.

Being cross-examined, said, That the meeting was at the Star-Inn; and that he does not recollect when Mr Muir left Glasgow, or was apprehended.

*Ninth Witness.*

WILLIAM RIDDELL, baker, Edinburgh,—swore to the same effect as some of the preceding witnesses.

*Tenth Witness.*

WILLIAM REID, bookseller, remembers having a conversation with Mr Muir in his shop; when he asked his opinion as to *Paine's Works*; and Mr Muir advised him not to sell them, for it was an improper book, and there was danger in reading it.

Being cross examined, he said, that this happened a few days before Sheriff Honyman called to make enquiries as to that book.

*Eleventh Witness.*

GEORGE WEDDEL deponed, That he remembers a motion being made at Glasgow for the purpose of recommending books, when Mr  
Muir

Muir who was present, said, that passages might be collected from several publications, for some of them were not safe; that he recommended *Blackstone's Commentaries*, and said nothing unconstitutional, as far as he could judge: That he said they should write petitions, and fill the table of the House of Commons with them; that several societies had corresponded with foreign countries, but that Mr Muir recommended the contrary.

*Twelfth Witness.*

JOHN RUSSEL, merchant,—on being asked the usual question, If any body had instructed him what to say? replied, That he had received general instructions to tell the truth.—Being asked where or from whom? said he could not recollect.—Having produced his citation, it was found to be dated but four days before; and, as this conversation had happened since that time, he was told, that he must certainly be able to recollect some of the particulars: But, on his still persisting to say, he could mention nobody's name who had spoke to him on the subject; the Lord Advocate moved, that he should withdraw; and observed, that, as there appeared evident signs of a desire to conceal



conceal the truth in this man, he hoped their Lordships would punish him by ordering him to be committed to prison.

*Mr Muir* was going to say something in behalf of the man; when the Lord Justice Clerk stopt him, by telling him he had nothing to say in that question; and the Court then ordained *John Russel* to be committed to prison, there to remain for three weeks, for concealing the truth upon oath.

*Thirteenth Witness.*

*JOHN BROCK*—deponed to the same purpose as some of the preceding witnesses; and that he had heard *Mr Muir* speak of books on law.

*Fourteenth Witness.*

*WILLIAM CLYDESDALE*, cabinet-maker,—said, That he remembers *Mr Muir* visiting a society for Borough Reform, and praised their exertions; that he has heard *Mr Muir* say, that in *Paine* there were some things well enough, but many bad; and that he used to run down Liberty and Equality, saying, an exact division of property could not exist two days.

*Fifteenth Witness.*

*GEORGE BELL*—said, That *Mr Muir* used to say he could only admit of a government composed of Kings, Lords, and Commons.

*Sixteenth*



*Sixteenth Witness.*

**D. M'ARTHUR**, master of the grammar school, Glasgow, remembers having a conversation with Mr Muir in a coffee room in Glasgow, when they talked of Reform; and his remarking that it was an inexpedient measure at the present time; Mr Muir said it was a very good time, when we were in profound peace; and on the French being mentioned, Mr Muir said, their object and ours is different; that they then conversed on general topics.

**JAMES M'GIBON** and **ROBERT HENRY** from Kincaid printfield proved, like the others, that Mr Muir always recommended peaceable measures.

*Nineteenth Witness.*

**WILLIAM ORR** manufacturer in Paisley, said, That Muir came there with Colonel Dalrymple, and in a meeting there expressed his attachment to the constitution: That he recommended obedience to superiors, to avoid tumult and sedition; that after visiting the different societies, Mr Muir, Col. Dalrymple, and the witness, went to Sinclair's Inn; that Muir, instead of vilifying Government, called the king the best of Princes, and was for a House of Lords and Commons.

*Twentieth Witness.*

JAMES CRAIG deponed to the same effect as before.

*Twenty first Witness.*

JAMES RICHARDSON, is a member of the London society of which Mr Grey is a member;—that he has heard Mr Muir exhort the people to be constitutional, and expose the doctrines of Liberty and Equality in a forcible and masterly manner.

The exculpatory evidence being here finally closed, about eight o'clock the Lord Advocate, rose and addressed the jury to the following purpose.

## GENTLEMEN OF THE JURY,

It is my duty, now, to require your most attentive and deliberate consideration of what you have heard. The moment is come, when the truth or falsehood of what is laid to the charge of the Pannel at the bar, is to be ascertained. He is a man, who, under the pretext of a reform, as I shall afterwards shew you, has been sowing mischief and sedition; he appears here before you, after being a fugitive from his country; and it is now that by your verdict, a verdict which is uncontrollable, and from



from which there is no appeal, his guilt must be established, or the imputation thrown out against him, completely wiped away. It is a moment which I have long wished to see; for during the circumstances which occurred last winter, among the numerous list of offenders who appeared, this is the man who of them all appeared to me the most criminal, and whom I most wished to lay hold of; he in every thing betrays a most decided spirit against the constitution, and all under the veil of Parliamentary Reform.

This country has seen many instances of pernicious effects of seditious writings and conduct, but I am persuaded a wider range of diabolical mischief will appear in this man, than ever was seen in England, or any where else.—Who could believe that a man of a liberal education, an Advocate at this bar, could be found among villagers, and manufacturers, poor and ignorant, for the purpose of sowing sedition and discontent?

The charges against the Pannel are divided into three heads, all centering however, in the general charge of exciting sedition and discontent by various steps of conduct. He has circulated



culated Paine's Works, a book which one of his witnesses says, he declared to be dangerous to weak minds; with an obstinacy and pertinacity, which plainly indicated that his wish was to alter or overturn the constitution. He went to Kirkintilloch and Campsie carrying Mr Paine with him, and advised the constituting of meetings, which without him would never have been established; he came like the demon of sedition, recommending that club government which has produced all the anarchy we see in France, and which cannot be supported in any well established government.

He has been in a convention of people, calling themselves Reformers; but the spirit of the people shewed itself, and it no longer exists; he in that meeting endeavoured to support and defend a paper coming from our sister kingdom: It came from the Society of United Irishmen, highly seditious, if not treasonable; and yet he was the ringleader to produce, to read, and approve.

These three charges, then, Gentlemen, which unite themselves in one, that of exciting discontent against Government, have been brought with deliberation, and; it is now my duty to shew

shew you, have been established by the evidence.

I wish to have the opinion of a respectable jury on the subject. Whether sedition is a crime of the detestable nature I represent it; I bring forward the arm of justice to suppress it; and it is in your power to invigorate it, or palsy it in a moment.

Gentlemen, as the charges are threefold, the evidence must be of three kinds, and I shall speak of each in their order, and I must say, that if ever a strong body of evidence appeared in a difficult case, it is to be seen here.

The first charge is, making seditious speeches and harangues, and encouraging improper meetings. To support this we find that he went to Kirkintilloch and Campsie, and recommended improper publications to enlighten their minds; but in this he does not appear to have been very successful, if we take the Vice President as an example of their influence. The evidence here rests chiefly on *Johnston* and *Freeland*, particularly *Johnston*, and we should remark the mode in which he gave his evidence, he was calm, accurate, and clear. *He* and *Freeland* agree that the Pannel spoke of the success of the

French

French arms: With what motive could he discourse on such a subject to weak, uninformed illiterate people, but to fulfil his seditious intentions? He talked of the weight of taxes. Gentlemen, we may see these burdens lightened; but if this gentleman's mode of doing it were to go on, what sort of relief we should have by the diminution of our taxes and the payment of our debt, are topics of which you will judge as you ought to do. He said that their taxes would be less, if they were more equally represented, and that from the flourishing state of France, they could not bring their goods to market so cheap as Frenchmen. What could possibly be more calculated to produce discontent and sedition? Had such societies previously existed, the case would have been different; but he appears as the ringleader, he was there on the Tuesday preceding conversing about it; he came to the meeting and harangued them; he adjourned with them afterwards to Wallace's: Can any evidence be more connected or more clear that he was the main instrument?

The second charge is the circulating seditious books, containing the passages libelled in  
the



the indictment, which you may read. *Freeland* is again an evidence here ; and I must observe, that it appears to be doubtful, whether he told all he knew ; from his face he plainly prevaricated ; and, when closely questioned, the sweat broke upon it. He told you the story of getting Paine's book out of Muir's pocket. I may here observe, that such a mode of circulating a book is that which a man in his situation will naturally adopt ; he will not go on openly, but privately, and under various pretexts ; by his fruits must you know him ; you must compare his actions with his professions, and then judge.

We have evidence of his recommending and buying the Paisley Declaration and other books, which go to prove he is tainted from head to foot, and is as unworthy to live under the protection of the law as the meanest felon.

You would observe his conduct, Gentlemen, on Anne Fisher leaving the foot of the table. What can be laid to her charge ? her evidence was clear and correct, and was founded on the best basis, her being confirmed by the testimony of others. But what was his conduct ? the only thing, indeed which he could do,—an endeavour to shake her testimony by an illiberal  
and

and unfounded insinuation, that we procured our information only from domestics.

To what then amounts her testimony, which stands beyond a doubt: That she was sent repeatedly from her master's house, the pannel's father, who I understand is a respectable man; far be it from me to attach any criminality to him; the pannel has the miserable reflexion that the distresses which have embittered the lives of his parents have been brought on by himself;—that she was sent repeatedly to buy Paine and other works for country people that came into the shop, who by this man's persuasion must out with their miserable sixpence to purchase *Paine's Rights of Man*; that he used constantly to be reading seditious publications in the back shop.—It was there, in that cathedral of sedition, he sat like a spider, weaving his filthy web to catch the unwary.

The witness specifies the people to whom he procured Paine's book—his own uncle, John Muir the hatter, Barclay the elder, and Wilson the barber. I have produced all of them in support of the girl, except the uncle, whom I declined making an evidence against his nephew. He advised Wilson, who completely supported



supported the girl in this, to keep a copy in his shop to enlighten his customers minds; for that it confuted Burke entirely,---Mr Burke, a man whose wonderful talents and genius have lately been so much exerted in the service of his country.

From these circumstances I have only to desire you to look at Paine's book, at the passages in the indictment; and if you are loyal to your king, if you are loyal to your country, and would preserve it, you will find this man guilty, who has given so decided an opinion in favour of that wretched outcast. His works I never read till my official duty compelled me to it; I need not give my opinion of it; the determinations of courts of law, and the unanimous opinion of the country, have marked the detestation in which they are held.

[His Lordship here read some of the passages in the indictment.]

What avails then, Gentlemen, all his evidence of attachment to the King and constitution, when he unequivocally approves sentiments such as these? We are told, indeed, by one of his witnesses, that he advised him not to sell Paine; but unfortunately the answer given

N

to



to the question put to him upon his cross examination, proves that they were not his real sentiments, but for fear of danger, as the book began to be taken notice of.

We find from the evidence of the girl Fisher, that the very organist could not pass the house of this oracle of mischief, without being desired to play *ça ira*.

He used to say too, that, if every man had a vote, he would be member for Calder, and members would have thirty or forty shillings a-day. All these circumstances go to prove Incontestibly, that France and French principles were continually in his view, and that he aimed at the destruction of the present government; with respect to which, however, I hope his prophecies will be as false, as they have already been in regard to the success of the French.

I may here remark that the evidence of Fisher appears in a trifling instance to be contradicted by the elder Barclay; but you should remember the salvo with which that old gentleman chose to premise his evidence.

I come now to the third charge, which relates to Mr Muir's conduct in the Convention.

It

It is here incontestibly proved, that he read, approved, and defended, the Irish Address. Will you approve this paper? will you disregard this convincing proof of his guilt?— Be his studies ever so great, be his views ever so extensive, will you permit him arrogantly to set up his seditious opinions in opposition to the government and constitution? His conduct in some instances would almost appear to be marked with insanity, were we not finding him the determined ringleader in an uniform scheme of sedition.

This, Gentlemen, finishes my remarks upon the evidence; upon the evidence which I think is invincible: but there are two topics on which I must beg to make some observations.

Mr Muir told us that he was carried out of this country by business of importance, and that he was detained in France; and that he always wished to have a trial. I could have no objections to his proving this: It would have argued some degree of honour. But his professions are false and confuted. He left this country under an impression of guilt; and lately returned, the pest of Scotland, with the same intentions as before.

The

The reason of his going to France, it seems, was the influence he might possibly have in saving the life of the King of France; and he was sent there by the Friends of the People. Never was I more astonished than at the impudence of this evidence. Did Skirving know or recollect, that he was almost accusing him of high treason? But why was he interested in this event? It was an event, as his witnesses tell you, that would hurt the common cause. What cause? their intention of effecting a change in the government of this country: There then he stands a missionary from a society in this country to France,—a circumstance which greatly confirms his guilt.

When the trial was coming on, I postponed it longer than I ought to have done, to give him every chance; and I inserted it in the papers, which might perhaps reach him roaming in some part of the world.

The shipmaster's receipt bears date the 16th May. What became of him from this date to the 31st July when he was apprehended. He informed nobody of his coming home. How wonderful that no letter was driven by the winds or impelled by the waves, to give notice



tice of what he says was his earnest wish. The reverse in fact appears to have been the case. By the Letter of J. Muir, his father, we find him in Ireland, doing we know not what; except what we learn from the diploma of the worthy society of United Irishmen. He is at last apprehended returning into this country, with all the insignia of sedition about him.

I have but one remark more. You may in some degree judge of a man, by the company he keeps; amongst Muir's papers we find a letter here in my hand addressed to the Rev. *Fische Palmer*, a man who is indicted to stand trial at Perth, in the course of a few days, and whom most of you must know. The impresson of the seal too is worth remarking, a *cap of liberty on a spear*, and under is the motto *ça ira*. I beg your attention, Gentlemen, to the quotation I shall now read from a celebrated French author, in treating of the British Constitution. [The passage his Lordship read, was from *De Lolme*, on the Constitution of England, from the middle of p. 534, to the end.]

I hope, Gentlemen, this case will be viewed by you in a light such as this, that you will protect your King from the attacks of his enemies,

mies, that you will protect this temple of freedom from the attempts of the factious, but particularly against that man at the bar, who, has been sowing sedition with so liberal a hand. You now however, may seize him in his career, and by your verdict do justice to your country, and honour to yourselves.

The Lord Advocate here finished his address to the Jury, which his Lordship delivered in a highly animated, manly, and energetic manner. It occupied about two hours and ten minutes. The rapid succession of ideas in a public speaker of his Lordship's abilities, and the nature of a charge to a Jury, render it both impossible and unnecessary to give an extremely minute detail; but the above will be found to be a comprehensive, and in many parts, a literal abstract of the most material parts of his Lordship's speech.

*Mr Muir* next addressed himself to the Jury as follows:

GENTLEMEN,

I NOW rise in my own defence. Every thing that malice could suggest has been thrown out against me; but it rejoices me to say, that not-  
with-



withstanding all the attacks of my enemies, my moral character remains unfulled and unimpeached. I have scorned before this, to enter the lists with the numerous insidious calumniators of my conduct ; but have waited with impatience for this moment when I can speak in my defence to a Jury of my countrymen.

Gentlemen, I am accused of sedition. No term can be more vague ; it has been in the mouths of people of every description, and has been sometimes levelled against those who are the pride of our country.

This is no time for compromise. Why did not the Lord Advocate at once allow, that I stand at this bar, because I have been the strenuous supporter of a Parliamentary Reform ? Had this been done, and had this alone been laid to my charge, I should at once have pled guilty ; there would have been no occasion for a trial ; and their Lordships and you would have been saved the lassitude of so long an attendance. But what sort of guilt would it have been ? I have been doing that, which has been done by the first characters in the nation. I appeal to the venerable names of Locke, and of that great oracle of the English Law, Judge Black-



Blackstone. Hear what this illustrious man says on this subject, in his Commentaries.

[Here Mr Muir read a passage from Mr Justice Blackstone's Commentaries, in which he mentioned, that if any improvement is to be wished more than another, it would be a more equal representation.]

But why need I refer to writers who are now no more, who are now beyond the reach of punishment, when I have the first living characters on my side? The Prime Minister of the country, Mr Pitt himself,—the Commander in chief of the army, the Duke of Richmond, have once been the strenuous Advocates of reform; and yet they have been admitted into the bosom of the King's Counsels. Are they then criminal as I am? If so, the Lord Advocate, to borrow his own expression, should have denominated them the Pests of England, as he has been pleased to call me the Pest of Scotland.

But it is needless, Gentlemen, to carry you beyond the walls of this house; the Lord Advocate himself has been a Reformer, and sat as a delegate from one of the counties for the purpose of extending the elective franchise.

What conclusion can you draw from this?

Before

Before I come to remark upon the evidence, it will be necessary for me, Gentlemen, to take notice of two things; my departure from this country, and the cause of my being prevented from returning.

I went not like a person flying from justice, but openly, and in a manner consistent with the knowledge of many. The fact of my being expressly a missionary is neither ascertained nor true; but if it was thought that my going over in my limited capacity might have any effect in saving the effusion of human blood; can that step be accounted criminal? I am persuaded the reasoning of the Lord Advocate on this subject can never be sufficient to satisfy the consciences of the impartial. As to my being prevented from returning, you have only to conceive to yourselves the situation of the different countries at that time, and particularly the effect of the Alien bill, which rendered it necessary for me to procure a passport from England, a thing I attempted, but found impracticable. When months had elapsed, I knew of but two ways of returning, by Hamburg, and by America. My finances were by no means adequate to so long a route by  
Q
land



land, as Hamburgh would take me, I therefore got a passport for Havre de Grace, where I took my passage for America, but finding a ship bound for Baltimore, though cleared for America, I with danger to myself went on board of her.

I could prove to you, Gentlemen, were it necessary, in what manner I spent my time in Ireland; that I was engaged chiefly in literary pursuits. The Lord Advocate's insinuations in that respect are groundless.

I expected to have seen here the man who discovered me on my arrival in Scotland, and Mr Ross the magistrate before whom I was brought, whom as I saw cited in the Crown list of witnesses, I never thought of being at the expence of bringing here. They would have clearly proved what my conduct was on being taken.

The reason of my not writing was, that as letters were at that time intercepted, I wished to avoid being taken hold of as a criminal; as I intended to have come voluntarily, and offered myself to stand trial.

Gentlemen, You have heard what my charges are; and if it was possible to produce a person who ever heard me speak, they have been produced



produced to substantiate them; and yet all of them, and my own numerous list of witnesses, collected from all quarters wherever I appeared, agree in testifying my uniform regard for the constitution; and even the girl herself, who as a spy from a private house, has been brought against me. She has observed, that I used to say, that when there would be a more general representation, I would be member for Calder, and that members would get 30s. or 40s. a-day. The first part of the observation is too frivolous to mention: As to the receiving payment for being a member, the Lord Advocate must know that that is the antient constitution of the kingdom, and there can be no criminality attached to it.

Johnston and Freeland have said, that at the meeting at Kirkintilloch, I said France would be the most flourishing country in the world. Is there any harm, Gentlemen, in instituting comparisons? Besides, what was meant by flourishing? Can it be said, I meant the most flourishing as to freedom, or that I recommended their maxims?—I talked of the unequal representation of the people? Is there any sedition here? Is it not done every day by the

the first characters in the House of Commons? I said that a man who gave L. 20,000 for a seat in the House, must have an undue interest in doing so; and is not this true? A man may give a sum of money for an opportunity of displaying his eloquence; but as these sums are frequently paid by silent members, my conclusion is fair.—I said that the French were more equally represented, and their taxes would be less. This is quite true; and shall truth be called a libel? And when I recommended a more equal representation in this country, I said it would sooner or later produce the effect of lessening our taxes. I recommended petitioning and communication of sentiments, and to procure all pamphlets on all sides of the question: Is there any sedition in all this? A great national question was agitating; a question which has produced various opinions; which has brought my Lord Advocate and the vice-president of the Kirkintilloch society into the field together; and I, therefore, recommended procuring all possible information on the subject.

Weddel, this vice-president, agrees with the other witnesses, that, when Paine's book was mentioned,



mentioned, I said it was foreign to the purpose ; —and why ?—because there is a great difference between speculation and being in action. Although to some of my private friends in my own house I may have said, I thought much of Paine ; yet, acting in a public capacity at that meeting, I discommended it, and I recommended Henry's History of Great Britain, a book which has had the sanction of the great Earl of Mansfield, who first brought it into notice ;—and was he, therefore, accused of sedition ? The Lord Advocate has animadverted on the ignorance of the vice-president ; but he gave a proper answer to the question which was put to him, and is certainly as much entitled to become a reformer as the Lord Advocate himself.

With respect to my giving a copy of Paine to Freeland, little can be said to criminate me. Paine and Burke, the great champions on different sides of the question, were then the general topics of discourse ; and were then in such circulation that they might have been had in every bookseller's shop in every street. How, then, is my accidentally having a copy in my pocket, which I gave to Freeland, to be accounted a distribution ?

But



But I now ask, How is a proper reform to be obtained, but by reading on all sides of the question, Paine as well as others? Must we not read Hume or Harrington, because they propose schemes differing from the government of England? You will observe, Gentlemen, that the passages quoted in the indictment are quite detached, which is by no means fair. You must take the book with you, you should read the whole, and attend to the context. By this mode of detaching, any thing may be made criminal; the holy scriptures may be made to contain sedition, and the whole letters of the alphabet might suffer; for throwing them down, you have no more to do than to arrange them in such a manner as to contain a libel, and then extirpate them entirely, as being the component parts.

Gentlemen, This is entirely a new case in this country. Paine's works have never been condemned in a court of law here. You are not to take any verdict which has been given in England as a precedent. In this instance England is to us a foreign country. There has even been a difference in the verdicts returned there, which shews how tender one should be in passing a hasty sentence on the subject.

Gentlemen,

Gentlemen, Let us consider a little more particularly the evidence of Anne Fisher, to part of which I have already spoken. Had I been a Cataline, plotting mischief privately at the dead hour of the night, such a person might have been considered as a good evidence: But as I am accused of public seditious speeches, I little imagined I should have seen one of my own domestics produced to criminate me, by retailing every little unguarded expression in the moment of relaxation. But even she has proved that in my most unguarded hours I was still constitutional.

She talks of her carrying a Declaration of Rights to be corrected; but to what does this amount? it might have been the Bill of Rights, or Magna Charta: The girl could not say the contrary.

What she depones, as to my saying Paine was a good book, and of my giving a copy to my uncle; even though it were true, you are not bound to believe, as it stands on her single testimony. My uncle, it seems, from delicacy, is not produced against me. But what can be made of this fact? Is it probable I should sow sedition among my own relations? My uncle  
has



has a property to which I may eventually succeed; and if sedition and confusion of property was my object, is it probable I should have levelled the mischief at my own relations?

The Lord Advocate was pleased to make free with Mr Barclay the elder. I should have thought that his age and his character would have protected that respectable man. He is a man whom I am proud to call my friend; and whose friendship I would prefer to that of any nobleman in the country, if vicious in his character; for they only are truly noble who are rendered so by virtue.

Anne Fisher's usual accuracy here leaves her, in so far as she says, that she bought a copy for Mr Barclay, who says he bought it himself.

She says, she read Paine herself; but, recollect, she never said that I recommended her to do so.

She says, I used to read different publications in the back-shop: But in whose presence? In that of my father and mother? What! Is my own fireside the place I should be likely to sow discontent, and discover seditious intentions?—She has seen me reading French law books.



books. With what art is this introduced! Every allusion to French affairs must criminate me!—The fact with respect to this, however, is, that she must allude to Brissot on Criminal Law, which I then had, and which I lent to a gentleman, Lord Braxfield's relation, and which his Lordship may consequently have seen.

She next mentions, what I am supposed to say against this Court. But must not this veil be easily seen through? Is it not evident that a few observations, well thrown in, might excite some irritation in their Lordships, and incline them to be less favourable to me?

She lastly mentions, that I desired the organist to play *ça ira*: But what criminality was there in that? May I not be conceived to be perfectly innocent, although, because I rejoiced in the spreading of freedom, that song was grateful in my ears? Besides, as it is composed in a language totally unknown to the common people, it could be productive of no worse consequences, than if, as an admirer of the ancient states of Athens and Sparta, I had ordered the chorus of a Greek tragedy to be played, or had wished to hear the performance of a Hebrew psalm.

[Mr Muir now proceeded to take notice of the third charge brought against him, which was his reading and approving the Irish Address ; and his defence here chiefly consisted in reading several passages from it, on which he commented, and endeavoured to shew that injustice had been done him, by the manner in which passages in the indictment had been detached ; it is however thought unnecessary to follow him very minutely here, as it appeared by no means very material to his defence, and reference may be had to the passages in the indictment. He then finished his address as follows.]

Gentlemen, The time will come, when men must stand or fall by their actions ; when all human pageantry will cease, and when the hearts of all will be laid open. If you have any regard for yourselves, if you wish that your consciences should whisper to you consolation, and not torture you with remorse, you will take care what verdict you now return. As for me, I feel myself supported by the consciousness of the rectitude of my intentions. I may be confined within the walls of a prison ; I may even have to mount the scaffold ; but never



ver can I be deprived or be, ashamed of the records of my past life, which are deposited within my breast.

Mr Muir's speech, was followed by some applauses, which were checked by the Court. He spoke about two hours, and twenty minutes. Mr Muir, as is natural enlarged considerably on several topics the essential part of which only is here given; but at any rate, it may be relied upon, that there is no intentional misrepresentation, or suppression of any material fact.

The Lord Justice Clerk, now proceeded to sum up the evidence with wonderful precision and accuracy, in an address to the Jury, to the following purpose.

This indictment, Gentlemen, is the longest I have ever seen, since I had the honour to sit in this Court; and is to be tried by a great number of circumstances. It shall be my business to simplify it as much as I can.

A relevant charge, Gentlemen, may be contained in a few lines; but the humane principle on which the practice is carried on, is to state the facts at some length, for the benefit of the



the prisoner; and on this principle the Lord Advocate has acted in the present case.

But, Gentlemen, although the facts are thus fully stated, it is by no means absolutely necessary to prove the whole, in order to establish the guilt of the Prisoner. You have only to look at the concluding sentence of the indictment, which runs thus; "All which or part thereof being found proven," &c. from which you clearly perceive that you are to consider if as many of the facts libelled are proved to your satisfaction as will establish the general charge.

The question then, Gentlemen, For your consideration is simply this, On the whole of the proof led, when taken in connexion, do you think the pannel guilty of sedition or not?

Now in examining this question, there are two things which you should attend to, which require no proof. The first is, that the British constitution is the best in the world; for the truth of this, Gentlemen, I need only appeal to your own feelings. Is not every man secure in his life, liberty, and property? Is not happiness in the power of every man, except those perhaps, who from disappointment in their schemes

schemes of advancement are discontented? Does not every man enjoy unmolested the fruits of his industry? and does not every man sit safely under his own vine and his own fig-tree, and none shall make him afraid? The other circumstance, Gentlemen, which you have to attend to, is the state of this country during last winter. There was a spirit of sedition and revolt going abroad, which rendered every good subject seriously uneasy. I observed the reflection of the Master of the Grammar School of Glasgow, who told Mr Muir, he conceived that proposing a Reform then was very ill-timed; I coincide in that opinion, and I leave it for you to judge, whether it was perfectly innocent or not in Mr Muir, at such a time, going about among ignorant country people, and among the lower classes of the people, making them leave off their work, and inducing them to believe that a reform was absolutely necessary to preserve their safety and their liberty; which till then they never suspected to be in danger. You will keep this in remembrance, and judge whether it appears to you, as to me, to be sedition.

You will next attend, Gentlemen, to Mr Muir's



Muir's conduct at Kirkintilloch, which is to be collected chiefly from the evidence of Johnston, Weddel, and Freeland. You will observe particularly how he run a parallel between the French and English Constitutions, and talked of their respective taxes and their causes, and how he gave a preference to the French.

You are to judge of the tendency of such harangues.

With respect to circulating Paine's book, Mr Muir has said that it has never been condemned. But, Gentlemen, Mr Muir should recollect, and you must be sensible, that a judgement of a Court of law is by no means necessary to make it seditious. It is in itself most seditious, treasonable, and dangerous. Sedition in England, Gentlemen, must be sedition here; and sedition here, must be sedition in England; and it would be right in forming your opinion to have an eye upon the judgements of the English courts, who have condemned the publication of that work. The other writings mentioned in the indictment are much of the same stamp. I agree in the idea, that the passages should be taken with their context. You will do this when you look over them; and have



have only to recollect a simple proposition, That to render a book seditious, it is not necessary it be all sedition.

Now, Gentlemen, the fact is clearly proven, of his having circulated some of these books; it is for you to draw the consequence.

An attack has been made on the young woman Fisher. But I must confess I never heard a more distinct evidence; and no grudge between her and the family has been condescended on. On the contrary, from her answer to a very proper question put to her by one of yourselves, she appears to have left the family on very good terms.

Gentlemen, the only wish of the prosecutor can be to bring offenders to justice; and he must make use of such evidence as the case admits. Her testimony, however, in several material facts, has been supported.

You will next attend to Mr Muir's behaviour in the convention, when he read the Irish Address. Instead of denying this fact, Mr Muir has asserted the innocence of it, and enlarged upon its merits. Gentlemen, I cannot help saying, I think it a most seditious and inflammatory paper. You will take it with you and judge of it.

You

You have next to turn your attention to the outlawry. Running away from justice, Gentlemen, must be always considered as an evidence of guilt. Mr Muir has attempted to set up an apology for his non-appearance ; but I would ask, why at such a crisis he should go to France ? Independent of that, he should have recollected that an embassy to a foreign country, without proper authority, is a species of rebellion. This proves, however, that he was supposed to have considerable influence with the leading men there, and establishes his connection with them. And what characters are these ? I never was an admirer of the French ; but I can now only consider them as monsters of human nature.

As Mr Muir has brought many witnesses to prove his general good behaviour ; and his recommending peaceable measures and petitions to Parliament, it is your business to judge how far this should operate in his favour, in opposition to the evidence on the other side.

Mr Muir should know, that no attention could be paid to such a rabble, who have nothing at stake, and whose property may all be removed in the twinkling of an eye. The land-  
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ed property in a country should most certainly be a chief object of attention.

The tendency of such a conduct was certainly to promote a spirit of revolt; and if what was demanded should be refused, to take it by force.

Mr Muir's plan of discouraging revolt, and all sort of tumult, was certainly political; for until every thing was ripe for a general insurrection, any tumult or disorder could only tend, as he himself said, to ruin his cause; he was in the mean time, however, evidently poisoning the minds of the common people, and preparing them for rebellion.

Gentlemen, you will take the whole into your consideration. I now leave it with you, and have no doubt of your returning such a verdict as will do you honour.

The Lord Justice Clerk having finished his address,—about half past one o' clock in the morning of the 31st, the court was adjourned until 12 o' clock of that day, and the Jury were immediately inclosed.

On Saturday the 31st August, the Court a-  
gain



gain met, according to adjournment, when the jury returned the following verdict.

### V E R D I C T.

*Edinburgh, 31th August, 1793.*

The above affize having enclosed, made choice of the said Gilbert Innes to be their Chancellor, and the said John Balfour to be their Clerk; and having considered the criminal libel, raised and pursued, at the instance of his Majesty's Advocate, for his Majesty's Interest, against Thomas Muir pannel, the interlocutor of relevancy pronounced thereon by the Court, the evidence adduced in proof of the libel, and evidence adduced in exculpation; they all in one voice, find the pannel Thomas Muir *guilty* of the crimes libelled; In witness thereof their said Chancellor and Clerk, have subscribed these presents, consisting of this, and the preceding page, in their names and by their appointment, place, and date, foresaid.

(Signed) GILBERT INNES, *Chanc.*

JOHN BALFOUR *Clerk.*

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The verdict being recorded, the Lord Justice Clerk discharged the Jury, with observing, that the trial had been of the greatest importance; that he was happy to see the attention they had bestowed upon it; and that the verdict they had returned had met the complete approbation of the Court. He then asked their Lordships severally their opinion upon this verdict, and what punishment should follow.—When they severally delivered their opinions as follows.

*Lord Henderland.*—We are now arrived at the most disagreeable part of our duty, which is to fix the punishment due for the crime of which the Pannel is found guilty. The indictment charges him with sedition, with exciting a spirit of discontent among the illiterate sclaſſes of the people, and an attack against the constitution. The jury, by their verdict, have found the Pannel guilty, and we have now only to ascertain the punishment. I shall not dwell on the evil consequences of these crimes. The melancholy example of a neighbouring country renders enlargement unnecessary. There appears to have been in this country a regular plan of sedition; and the indecent applause which  
took

took place last night in this Court, so inconsistent with the dignity and solemnity that ought to belong to a Court of criminal law, proves to me, that that spirit is not yet subdued. But I wish not to aggravate the offence of the Pannel, by the misconduct of his deluded friends. The punishment to be inflicted is arbitrary, and we have our choice of banishment, fine, whipping, imprisonment and transportation. Of these, Banishment would be only sending to another country a man dangerous to any, to sow sedition perhaps with more success. Fine would only fall upon his parents, who have already suffered too much by the forfeiture of his bail. Whipping is too disgraceful to be mentioned. Imprisonment would be but a temporary punishment, when the criminal would again be let loose to continue the disturber of the public peace. There remains but one other punishment, *Transportation*. I am sorry, it wrings my heart, to think that a gentleman of this description, of his profession, and of the talents he possesses, should be found guilty of a crime meriting such a punishment; but I see no possible mode of securing the country against him in future, but by removing



moving him to a place where he can do no harm. I am therefore of opinion that the pannel be recommitted to prison, and there remain until such time as a proper opportunity shall occur for transporting him to such place as his Majesty shall appoint, for the space of fourteen years; with certification that, if he return within that time, he shall suffer death.

*Lord Swinton.*—Sedition is a generic crime, and is defined by our lawyers to be ‘ a commotion of the people without authority, or the exciting of such commotion, to the disturbance of the public peace,’ and if it tends *ad mutationem reipublicæ*, it may amount to treason itself. As by the dissolution of the social tie, it makes way for, so it might be said to include, every sort of crime, murder, robbery, rape, fire raising, in short every species of wrong public and private. This is no theoretical reasoning, for we have it exemplified before our eyes, in the present state of France, where under the pretence of asserting liberty, the worst sort of tyranny is established, and all the legal and moral ties which bind mankind are broken: Nay, shameful to tell, even religion itself is laid aside and publicly disavowed in their National Convention.

Certain

Certain wicked persons have set on foot in this happy kingdom, the first steps of the same plan under the specious pretences of Liberty and Equality; assuming to themselves most falsely and insidiously the respectable names of Friends of the People, and of Reform, although they deserve the very opposite denomination; by which means they have misled and drawn after them a great number of well-meaning though simple and unwary people.

A most respectable Jury has found the prisoner guilty of endeavouring to excite this sort of sedition; and how did he attempt to explain and justify himself. By denying seditious intent, and alledging his motives were a desire of reformation; and that the mode he proposed for obtaining it, was a legal, peaceable, and constitutional petition to the House of Commons. But how were these motives reconcileable with the principle in the writings and pamphlets which he justified and circulated. The fundamental doctrine of these books, is that the whole people are in effect to judge of and direct in every thing, and that to obtain their end they have only to WILL it. Is not such a reformation a subversion of our wise and happy govern-



government? And is a petition of millions of people who have WILLED to have what they pray, a legal, peaceable, and constitutional petition.

With regard to the punishment, I observe, That the maxim, That the severity of punishment ought to be in proportion to the atrocity of the crime, does not hold in our law; for that, with us punishment is not revenge nor atonement. If punishment adequate to the crime of sedition were to be sought for, it could not be found in our law, now that torture is happily abolished. The sole object of punishment among us is only to deter others from committing like crimes in time coming.

In this view I concur in the proposal that has been made of transportation for fourteen years, which is a mild punishment, considering the offence, and considering the danger of the times.

By the Roman law, which is held to be our common law, where there is no statute, the punishment was various, and transportation was among the mildest mentioned. Paulus, L. 38. Dig. de Penis, writes, *Actores seditionis et tumultus, populo concitato, pro qualitate dignitatis, aut in furcam tolluntur, aut bestiis objiciuntur, aut*  
in



*in insulam deportantur.*—We have chosen the mildest of these punishments.—By the *Codex*, lib. 9. t. 30. *de Seditiosis et his qui plebem contra rempublicam audent collegere*, l. 1, & 2. such persons are subjected *ad mulctam gravissimam.*—Baldus writes, *Provocans tumultum et clamorem in populo, debet mori pena seditionis.* And by a constitution of the Emperor Leo: *Subdandos autem pœnis eis quas de seditionis et tumultus auctori- bus vetustissima decreta sanxerint.*

The crime here, though very near to treason, does not amount to it. The mildest of the punishments for the sedition of which the prisoner has been found guilty is transportation; and I think it is the punishment in this case.

*Lord Dunfinnan*—was of the same opinion.

*Lord Abercrombie.*—I think it by no means necessary to say much of the enormity of this crime, after what has been already said. By an old law, it would have amounted to treason; and even by the statute of Edward, it comes very near it.

Had the pannel's speeches produced any riots or tumults, it might have involved him in high treason. This rendered him cautious; for o-  
ther-

therwise he might this day have received sentence to suffer the punishment due to traitors.

Another reason why he avoided tumults was mentioned in his speech, that a revolution could only be effected by an insurrection of the general mass of the people \*; trifling tumults would not answer.

If any thing could add to the impropriety of the prisoner's defence, it was his pretended mission to France, and the pleasure he expressed in the circle of acquaintance he had there. It is evident his feelings accorded too much with theirs. I therefore approve of what has been said as to the punishment.

*Lord Justice Clerk.*—I never had a doubt but that the proper punishment for a crime such as this was transportation. It remained for me only to determine whether it should be for life, or a limited time.

I acknowledge, I am considerably affected to see the Pannel standing trial for sedition; a man of a liberal education, member of a respectable Society, and possessed of considerable talents.—

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\* This Mr Muir denied.

The lowest species of this crime is heinous; but when aggravated by creating disloyalty and dissatisfaction to Government, it amounts to the highest sort of sedition. It borders on treason; and perhaps it is owing to the humanity of the Lord Advocate, that he had not to stand trial for his life.

I agree in the propriety of the proposed punishment; for the indecent applause shewn in this Court last night convinces me, that it would be dangerous to allow the pannel to remain in this country. I am perfectly satisfied too in its being limited to fourteen years. I hope the pannel will reflect on his conduct and see its impropriety; and that if he be again restored to his country, he may still have an opportunity of shewing himself to be a good member of society.

While the sentence was recording, Mr Muir addressed the Court, and said,

‘ I do not mean to trouble the Court with  
 ‘ any observations on my sentence. By some it  
 ‘ may be thought lenient, by others severe. It  
 ‘ is a matter of little consequence; for had I been  
 ‘ condemned to be led out to the scaffold, I  
 ‘ should have possessed the same calm serenity of  
 ‘ mind



‘ mind I feel at this moment. I am conscious  
 ‘ of the purity of my intentions ; and that I  
 ‘ have acted and suffered in a great, a good, and  
 ‘ a glorious cause, which sooner or later will  
 ‘ prevail, and ultimately save this country.’

The Clerk then read the

### SENTENCE.

THE Lord Justice Clerk, and Lords Commissioners of Justiciary, having considered the foregoing verdict, whereby the affize, all in one voice, Find the pannel GUILTY of the crimes libelled : The said Lords, in respect of the said verdict, in terms of an act passed in the 25th year of the reign of his present Majesty, entitled, ‘ an Act for the more effectual transportation of felons, and other offenders, in that  
 ‘ part of Great Britain, called Scotland ;’ *Ordain and Adjudge*, That the said THOMAS MUIR be *transported beyond seas*, to such place as his Majesty, with the advice of his Privy Council, shall declare and appoint ; and that for the space of *fourteen years*, from this date ; with certification to him, if, after being so transported, he shall return to, and be found at large, within

within any part of Great Britain, during the said fourteen years, without some lawful cause, and be thereof lawfully convicted, he shall suffer death, as in cases of felony, without benefit of clergy, by the law of England: And ordain the said Thomas Muir to be carried back to the Tolbooth of Edinburgh, therein to be detained, till he is delivered over for being so transported; for which this shall be to all concerned a sufficient warrant.

(Signed) ROBERT M'QUEEN.

F I N I S.